

No. 10450

**United States
Circuit Court of Appeals**

For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

**I. F. WIXON, as District Director, Immigration
and Naturalization Service, Department of
Justice,**

Appellee.

Transcript of Record

VOLUME XVI

Pages 7235 to 7745

**Upon Appeal from the District Court of the United States
for the Northern District of California,
Northern Division**



JOHN L. MADALA

called as a witness in rebuttal on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Grossman:

Q. Mr. Madala, in the first statement, the October 8th statement, there appears the following language:

"The only time I ever appeared as witness in any civil or criminal litigation was in 1937 at Seattle, Washington. This was either in the Superior Court or Federal Court, I do not remember which. I testified as an expert witness for the plaintiff in the case of Golden vs. McCormick Steamship Company, wherein seaman Golden sued the McCormick Steamship Company for damages of a personal injury sustained by him [6968] while he worked on one of the company's ships."

Was the information contained in what I have read given to you by Cannalonga when he talked to you in the FBI office or in the hotel room?

A. Yes, sir.

Q. Including the name of the case?

A. Yes, sir.

Q. You are sure of that?

A. Positive.

Q. Between the time that Cannalonga testified here—withdraw that. After Cannalonga testified here for the first time and left San Francisco, when was the next time that you saw him?

A. After he left San Francisco?

Q. That is right?

(Testimony of John L. Madala.)

A. Oh, on the late afternoon of May 29, 1941.

Q. Where did you see him?

A. I saw him at the home of Mr. and Mrs. Emel, 3003 East 115 Street, Seattle.

Q. How did you know he was there?

A. I was watching the house.

Q. How long had you been watching the house?

A. I had been watching the house intermittently for ten days.

Q. What do you mean by "intermittently"?

[6969]

A. I would drive by every morning, every afternoon and every evening.

Q. How did you know he was there on this particular occasion?

A. Because I saw his car in the driveway that morning.

Q. Did you have a discussion with him that same day? A. Yes, sir.

Q. Did you tell him there was a subpoena out for him?

A. Yes; I told him they were trying to serve him with a subpoena, yes.

Q. Did you describe the subpoena to him?

A. No.

Q. Did you do anything to get that subpoena served?

A. Yes. I called Mr. Bonham and told him that we had located Cannalonga and that he was available if he wanted to serve him with a subpoena.

Q. Did you arrange with Mr. Bonham how and when the subpoena would be served?

(Testimony of John L. Madala.)

A. Yes. I told him Mr. Cannalunga would be in our office at 2:00 P.M. on May 30th.

Q. And was he served in your office on May 30th? A. Served in my presence; yes, sir.

Q. At that time, or about that time, did you discuss with Mr. Cannalunga the meaning of the subpoena? A. No, sir. [6970]

Q. Did you ever discuss with Mr. Cannalunga what the subpoena meant? A. No, sir.

Q. Did you ever tell Mr. Cannalunga that the subpoena required him to appear in San Francisco forthwith?

A. I guess that was written on the subpoena.

Q. Did you ever discuss that with him?

A. No, sir.

Q. Was it discussed with Mr.—withdraw that.

Did anyone in your presence, after the subpoena was served, discuss with Mr. Cannalunga his obligations under the subpoena?

A. Yes; Mr. Schwandt, the Inspector that served him.

Q. What did he say?

A. That it was a forthwith subpoena.

Q. Did he explain the word "forthwith" to Mr. Cannalunga?

A. I don't know that it was necessary; I am sure he didn't.

Q. Did he explain to Mr. Cannalunga where Mr. Cannalunga had to go? A. San Francisco.

Q. Is that all he said?

A. That is all I heard; yes, sir.

(Testimony of John L. Madala:)

Q. Did Mr. Schwandt say anything except that Mr. [6971] Cannalonga had to go to San Francisco forthwith in response to the subpoena?

A. Not to my recollection.

Q. Was there ever any other discussion in your presence with Mr. Cannalonga with respect to his obligation under that or any other subpoena?

A. There was no discussion about a subpoena at all. He knew he had to come down here, and when he was served he took the first available train out of there.

Q. Was there ever, outside of that occasion which Mr. Schwandt made the service, was there ever, in your presence, any explanation to Mr. Cannalonga of the effect of any subpoena that was served on him?

A. No, sir.

Q. Did you ever have a discussion with Mr. or Mrs. Emel with respect to the whereabouts of Cannalonga?

A. Yes. I had a daily discussion with Mrs. Emel.

Q. What did she tell you about his whereabouts?

A. She told me that he left hurriedly at midnight May 9th, left in his automobile with his clothes, and she hadn't the slightest idea where he went.

Q. Did you have any discussion with Mr. Emel about it?

A. Mr. Emel was on the high seas at the time I was in Seattle, during that period. [6972]

Q. Did you ever have a discussion with Mr. Emel on this question?

A. No, sir.

(Testimony of John L. Madala.)

Mr. Grossman: I would like to ask Mr. Del Guercio through you, your Honor, whether we have copies of those letters available at this time?

Mr. Del Guercio: I telephoned about them this noon and I haven't heard yet. I had to take a number of them. I didn't know which ones they were. I have phoned, but haven't heard yet.

Mr. Grossman: No more questions.

Presiding Inspector: Any redirect?

Mr. Del Guercio: Yes, your Honor. Just a minute.

Redirect Examination

By Mr. Del Guercio:

Q. Mr. Madala, do you recall the time that Cannalunga testified in these proceedings the first time?

A. Yes, sir.

Q. Did you see Cannalunga after he got off the stand?

A. Yes.

Q. Did you have any conversation with Cannalunga after he got off the stand?

A. Nothing particularly; no, sir.

Q. Did you bawl out Cannalunga in the manner in which he testified? [6973]

A. No, sir; I thought he made a good witness.

Q. Did anyone in your presence bawl Cannalunga out?

A. No, sir.

Mr. Del Guercio: That is all.

Presiding Inspector: That is all.

(Witness excused.)

Presiding Inspector: Call the next witness.

Raise your right hand.

ABRAHAM DICKSTEIN

called as a witness in rebuttal on behalf of the Government, having been first duly sworn, testified as follows:

Presiding Inspector: "Give your name and address to the reporter."

The Witness: Abraham Dickstein—D-i-c-k-s-t-e-i-n.

Direct Examination

By Mr. Del Guercio:

Q. Mr. Dickstein, are you employed by the Federal Bureau of Investigation? **A.** I am.

Q. And how long have you been employed by the Federal Bureau of Investigation?

A. For the past seven years and two months.

Q. In what capacity? **A.** Special Agent.

Q. Were you so employed on October 8, 1940?

[6974]

A. I was.

Q. Do you know a Maurice Cannalonga?

A. I do.

Q. Maurice Joseph Cannalonga, is it?

A. Yes, sir.

Q. When did you first contact or see Maurice Cannalonga? **A.** About October 7, 1940.

Q. Where?

A. At the front of the Immigration Building at Seattle, Washington.

Q. And who was with you at the time?

A. I was there myself.

(Testimony of Abraham Dickstein.)

Q. Did you see Cannalonga, or contact Cannalonga on more than one occasion thereafter?

A. Yes.

Q. Did you take a statement from Cannalonga, or were you present when any statement was taken from Cannalonga?

A. I was present when the statement was taken from Cannalonga.

Q. Mr. Dickstein, I show you Government's Exhibit No. 208 here, and ask you if you witnessed Mr. Cannalonga's signature on that statement?

A. (Examining statement) Yes.

Q. Now, did Cannalonga read this statement before he [6975] signed it?

A. He did.

Q. In your presence?

A. Yes, sir.

Q. And did he make any corrections?

A. He did.

Q. And the corrections appear—did you see Cannalonga make the corrections appearing on this Government's Exhibit?

A. Yes, sir.

Q. I show you Government's Exhibit No. 209 and ask you if you witnessed Cannalonga's signature on that statement?

A. (Examining statement) Yes, sir.

Q. Did Cannalonga read that statement before he signed it?

A. He did.

Q. In your presence?

A. He did.

Q. I show you Government's Exhibit 210 and ask you if you witnessed Cannalonga's signature to that document?

A. (Examining document) Yes, sir.

(Testimony of Abraham Dickstein.)

Q. Were you present when Cannalonga signed it?

A. Yes, sir.

Q. Did Cannalonga read this before he signed it?

A. He did. [6976]

Q. In your presence? A. Yes, sir.

Q. Now, Mr. Dickstein, did you, at any time, at any place, anywhere, intimidate or coerce, or threaten Maurice Cannalonga? A. No, sir.

Q. Did anyone, at any time, at any place, in your presence, intimidate, threaten or coerce Cannalonga?

A. No, sir.

Q. Did Cannalonga sign these two statements that I have shown you, Government's Exhibits 208 and 209, the first one on October 8, 1940, and the second one on October 9, 1940, voluntarily?

A. I didn't get the last part.

Presiding Inspector: "Voluntarily."

A. Yes, sir.

By Mr. Del Guercio:

Q. Did Cannalonga at any time, any place, anywhere, say to you, or anyone in your presence, that he would refuse to sign Government's Exhibits 208 or 209 because they contained false statements?

A. No, sir.

Q. Did Cannalonga say to you, or to anyone in your presence, that Bridges and Schneidermann were not together at any Communist Party meeting?

[6977]

A. He never said that.

Q. Did Cannalonga say to you or to anyone in

(Testimony of Abraham Dickstein.)

your presence that he would refuse to sign any statement because it contained a statement to the effect that Bridges and Schneidermann were together at a Communist Party meeting—

A. (Interposing) You will have to—

Q. (Continuing) —because such a statement was false? A. No; he never said that.

Q. Did you, or anyone in your presence, say to Cannalonga at any time, any place, what had become of the girl that he, Cannalonga, had picked up at Reno? A. No, sir.

Q. Did you, or anyone in your presence, at any time, at any place, make reference to any girl to Cannalonga? A. Absolutely not.

Q. Did you say, or did anyone in your presence say, to Cannalonga at any time, at any place, anywhere, "You know the girl we are talking about?"

A. No, sir.

Q. Did you say, or did anyone in your presence say to Cannalonga, "You know the girl we are talking about?" A. No.

Q. Did you say, or did anyone in your presence say to Cannalonga, "Oh, yes, you know who we mean," or words to that effect? [6978]

A. No, sir.

Q. Did you say, or did anyone in your presence say to Cannalonga, say or mention the name of the girl and the various places, and the various states where Cannalonga had stayed with a girl?

A. No, sir.

(Testimony of Abraham Dickstein.)

Q. Did you describe, or did anyone in your presence describe to Cannalonga, the itinerary he was supposed to have taken with such a girl from the State of Nevada into the State of California, into the State of Oregon, and thence into the State of Washington? A. No, sir.

Q. Did you, or did anyone in your presence compute, in the presence of Cannalonga, how much one would get for conviction under the Mann Act?

A. No, sir.

Q. Did you, or did anyone in your presence say to Cannalonga, that he would get 20 years under the Mann Act? A. No, sir.

Q. Or words to that effect? A. No, sir.

Q. Was any discussion ever had at any time, any place, with Cannalonga regarding a Mann Act charge? A. Absolutely not.

Q. Did you know, at any of the times that you inter- [6979] viewed Cannalonga, or at any of the times that you were present with Cannalonga, that there was a Mann Act charge against him?

A. No, sir.

Q. Do you know now? A. No, sir.

Presiding Inspector: That relates to your information, as well as your knowledge? You haven't any information about that matter?

The Witness: No; we have no knowledge of it. Our files would disclose if there was such a violation against him.

Presiding Inspector: What?

The Witness: Our Bureau files would disclose if

(Testimony of Abraham Dickstein.)

there was such a violation against him. Our records would show if there ever was such a violation against him. There is no such record.

By Mr. Del Guercio:

Q. There is no such record of any such charges against Cannalonga? A. No, sir.

Q. Did you ever—

Mr. Grossman: (Interposing) Just one moment. We are going to object to that last question and answer because obviously it calls for hearsay; and if admissible we are going into the FBI records as to what they show. We submit we have a right to do it by subpoena. We consider this irrelevant [6980] because it is hearsay as to this person as to what the records show.

Presiding Inspector: I think what the records show is irrelevant—except his knowledge.

By Mr. Del Guercio:

Q. Did you have any information—

Presiding Inspector: Just his knowledge, his information. That is all that is really pertinent.

Mr. Del Guercio: That is right.

By Mr. Del Guercio:

Q. Did you ever have any information at any time—

Presiding Inspector: So the other answer may be stricken out.

By Mr. Del Guercio:

Q. (Continuing) —that Cannalonga was violating the Mann Act or had violated the Mann Act?

(Testimony of Abraham Dickstein.)

A. No, sir.

Q. Or the White Slave Act? A. No, sir.

Q. Was that subject ever discussed with Cannalonga or in Cannalonga's presence? A. No, sir.

Q. What was Mr. Cannalonga's condition at the times that you talked to him or were present when some other agent talked to him? [6981]

A. He appeared very normal and intelligent and coherent in his conversation.

Q. Did he, at any time during your interviews with him, or interviews in your presence, appear to be under the influence of any drug, narcotic, or liquor? A. No, sir.

Mr. Del Guercio: You may cross examine.

Presiding Inspector: Cross examination.

Cross Examination

By Mr. Grossman:

Q. Mr. Dickstein, at the time you first talked to Mr. Cannalonga did you give him information about this Gowman Hotel meeting before he gave you information? A. No, sir.

Q. When Mr. Cannalonga testified the first time he was on the stand that you gave him information about, rather, that you, or Mr. Madala, gave him information about this meeting before he gave you any, would you state that he is not telling the truth?

A. He is not telling the truth there. We didn't give him no information like that.

Q. You are sure of that now?

(Testimony of Abraham Dickstein.)

A. We only heard it from him; we didn't give him that information. He gave it to us.

Q. You are sure of that? [6982]

A. I am absolutely positive that Cannalunga told us about the Gowman Hotel meeting.

Q. Before you told him anything about it?

A. Yes, sir.

Q. Did you know anything about this Gowman Hotel meeting before you talked to Mr. Cannalunga?

A. No, sir.

Q. Had you talked to any of the people that Mr. Cannalunga put in that meeting before you talked to Mr. Cannalunga?

A. No, sir.

Q. Did you know anything about this alleged meeting in San Francisco at which Schneidermann and Bridges were present before Mr. Cannalunga told you about it?

A. No, sir.

Q. Would you say that when Mr. Cannalunga testified that you gave him information about that meeting before he told you anything about it, that he was not telling the truth?

A. Will you explain that question again?

Mr. Del Guercio: I don't know as—

Presiding Inspector: I think you have a contradiction if—

Mr. Grossman: (Interposing) There is a better way to bring this out: [6983]

By Mr. Grossman:

Q. If I tell you that Cannalunga, when he was first on the stand here, stated that before he gave you

(Testimony of Abraham Dickstein.)

any information about that meeting in San Francisco, you and Madala, or one of you, gave him information about that meeting, would that affect your testimony any?

Mr. Del Guercio: I don't understand that question. I will object to it on the ground that it is not what the evidence is.

Presiding Inspector: I don't know, but I think that you have a complete contradiction if he did say he had.

Mr. Grossman: I want to know if he will change his testimony considering what Cannalunga testified to?

Presiding Inspector: Ask him, on the basis of whatever he did say, he would want to change his testimony.

By Mr. Grossman:

Q. Would you want to change your testimony if I told you that when Mr. Cannalong was on the stand here he stated that you and Mr. Madala told him about a meeting in San Francisco in which Schneidermann and Bridges were present, before he mentioned it to you?

Mr. Del Guercio: I object to that question. I don't recall any such testimony.

Presiding Inspector: I don't recall.

Mr. Del Guercio: Let's get Cannalunga's testimony. That [6984] is not what he testified to.

Mr. Grossman: I submit he did.

Presiding Inspector: It will take a few minutes to look it up.

(Testimony of Abraham Dickstein.)

Mr. Grossman: It will be about 20 pages. It will take some time to do it. It is in the volume that is on Mr. Gaiser's desk because I borrowed it.

Presiding Inspector: Is the testimony in that volume?

Mr. Grossman: Yes; in the beginning of my cross examination of him.

Mr. Del Guercio: Cannalonga testified twice concerning that.

(Whereupon the transcript was referred to.)

Presiding Inspector: Yes. I think that was covered. It wavers somewhat—around about page 1086.

Mr. Grossman: Will the reporter read that last question that I asked?

(The question referred to was read by the reporter as above recorded.)

A. I would not want to change my testimony.

Presiding Inspector: I don't know about Schneidermann and Bridges. The particular meeting—

By Mr. Grossman:

Q. (Interposing) The particular meeting in San Francisco. [6985]

A. I would not want to change my testimony.

Q. How many different times did you see Cannalonga before he appeared on Tuesday?

A. I saw him on October 7th, October 8th, October 9th and November 5, 1940; and the next time I saw him was down here.

Q. Have you seen him since he left San Francisco after testifying?

A. No, sir.

(Testimony of Abraham Dickstein.)

Q. How did you happen to see him on November 5th?

A. I called him up to come to the office.

Q. Why did you do that?

A. Well, when we interviewed him the first time he said the Gowman Hotel meeting took place in March, 1937. At the time that he stated that he gave two or three other names of persons who attended the Gowman Hotel meeting. We talked to one of them named Laddie Hope, and he placed the meeting as May 1937, at the time of the ILA convention in Seattle. I called Cannalunga to come to the office, and he did come on November 5th. I asked him was he sure that the meeting at the Gowman Hotel was held in March or May, 1937. He said there was a doubt in his mind after he left us and he feels now sure that the meeting was held at the Gowman Hotel during the month of May, 1937, during the time of the convention in Seattle. [6986]

Q. Who first raised the question of Eugene Dietrich?

A. Cannalunga.

Q. When he was in your office?

A. Yes, sir.

Q. What did he say about Dietrich?

A. When he got through talking there he said, "By the way, when I left you I was a little doubtful about Dietrich. I don't think he was present at that meeting."

"In view of that I said, 'Well, you had better put that in your statement if there is any doubt about how the name came up.'"

(Testimony of Abraham Dickstein.)

Q. Did he explain why he was doubtful about Dietrich? A. He said, "I am not sure."

I said, "If you are not sure you had better put that in the statement."

Q. Did you give him a copy of the statement, the first statement he signed, after he signed it?

A. No, sir.

Q. Who wrote out this statement that was signed on November 5th?

A. November 5th? Agent James A. Robey, in my presence.

Q. What work did you do before you went to work for the Federal Bureau of Investigation?

A. I was with the Immigration Service for about a year and a half. [6987]

Q. Where did you work in the Immigration Service?

A. I worked in Detroit, Cleveland, Los Angeles, New York, Chicago. The last place I worked was in Chicago in 1934.

Q. Where did you work before that?

A. Prior to that time?

Q. Yes.

A. I was with the George A. Atwell Foundation Company, Civil Engineers, New York, now known as Thompson-Starrett Construction Company.

Q. How long had you worked there?

A. Two years. [6988]

Q. When you first went to see Cannalonga did you have with you information on his previous criminal record?

(Testimony of Abraham Dickstein.)

A. We had no record of the fact that he had a criminal record at all. We checked whether he did have a record or not before we talked to him to get his background.

Q. Before you went to see Cannalonga did you take steps to find out whether there was any investigation pending to determine whether he had committed any crime?

A. We merely checked the indices of our file in the Seattle office, in the town where Cannalonga lived. We found no record on him whatsoever.

Q. When you say "we" do you mean you participated?

A. Agent Madala and myself.

Q. Uh-huh. (Affirmative)

A. I might add that we also checked the Seattle Police Department.

Q. Before you went to see Cannalonga?

A. Before we interviewed him.

Q. Did you check every investigation being conducted as well as for a criminal record?

A. There was no investigation being conducted.

Mr. Del Guercio: I don't know what he means by that question.

Presiding Inspector: I don't know. He may understand it.

By Mr. Grossman: [6989]

Q. Isn't it true that in the files of the FBI there is a record of investigations of people against whom there have not yet been filed or ever were filed criminal charges? [6990]

(Testimony of Abraham Dickstein.)

Mr. Del Guercio: Oh, your Honor—

A. (Interposing) No, sir.

By Mr. Grossman:

Q. Do you mean if an investigation is carried on and it doesn't result in a criminal charge no record is kept by the FBI?

Mr. Del Guercio: I will object to that as not being proper cross examination, immaterial and irrelevant.

Presiding Inspector: I will let him take the answer. He is bound by it.

A. There would be a record to show if he ever was investigated.

By Mr. Grossman:

Q. All right. I am asking you whether you checked that kind of record before you went to see Cannalunga?

A. Yes, sir.

Q. Did Mr. Cannalunga express any reluctance at all at any time that you and Madala talked to him to give the statement you requested?

A. A little bit at the beginning; he was a little reluctant.

Q. How did he express that reluctance?

A. Well, he was afraid—he mentioned about the goon squad in the Communist Party, that they would beat him up if he talked about anybody. [6991]

Q. He said that.

A. Yes, he just mentioned that they would beat him up.

Q. Did you put that in his statement?

(Testimony of Abraham Dickstein.)

A. I don't recall that it was put in the statement; it was not material to the statement; that is why.

Q. Where was he when he said that?

A. At the first contact. Agent Madala was not present. I met him in front of the Immigration Building and talked to him about a few minutes and asked him to come up to the office and he said "I would" and before we reached the office, while walking to the office from the garage he just mentioned "I will get hurt if I do any talking."

Q. Was that the only reluctance he expressed?

A. That is all I recall.

Q. Did he express any reluctance to give you the information you wished?

A. Well, just a little bit, as I stated before.

Q. Well, how did this express itself? Did he say "I don't want to answer that"—

A. (Interposing) No; just as I told you he was afraid to get hurt.

Q. After that did he do anything to indicate any reluctance?

A. No, sir.

Q. Did you discuss with him why he hadn't given this [6992] same information when he was contacted before the last hearing.

The Witness: I beg your pardon. Can I get the question?

Mr. Grossman: Will you read it back, Miss Reporter?

(The question referred to was read by the reporter as above recorded.)

(Testimony of Abraham Dickstein.)

A. I didn't see him.

By Mr. Grossman:

Q. I am asking you whether you ever discussed—withdraw that.

Didn't you know that he was contacted before the last hearing by one of the Immigration men?

Mr. Del Guercio: If your Honor please, I will object to that. The question is whether he knew.

Presiding Inspector: Yes, yes or no, did you know it?

The Witness: He told us he was—I only knew when we interviewed him he told us he was contacted by John P. Boyd, Jr., one of the Immigrant Inspectors in Seattle.

By Mr. Grossman:

Q. Did Madala tell you that before you went to see Cannalunga?

A. No, sir.

Q. You are sure of that? A. Positive.

Q. Are you sure that this interview, or this contact [6993] that Mr. Boyd had with Mr. Cannalunga did not appear in your files?

A. No, sir, not in our files.

Q. You are sure of that?

A. Not in our files.

Q. When did he first mention it? When did Cannalunga first mention it to you? A. To us?

Q. Yes.

A. About being contacted by the Immigration Authorities?

(Testimony of Abraham Dickstein.)

Q. Yes. A. On October the 7th.

Q. Where was it; your office or the Roosevelt Hotel?

A. No; at the Roosevelt Hotel, Room 1214.

Q. Are you sure about that?

A. Positively.

Q. How do you happen to remember when it was?

A. That is when we interviewed him. We didn't say much at the other office. We went over to a more comfortable place; we went over to our hotel.

Q. What I mean is this: You talked to him at least four different times. Why are you sure this was the place where he first mentioned his contact with Mr. Boyd?

A. Because that was the first contact with him and he repeated that the next day, on October the 8th after he signed [6994] the statement. He elaborated on his contact with Boyd.

Q. When he first mentioned his contact with Boyd what did he say about it?

A. Well, he said that at the last hearing Boyd wanted him to go down to San Francisco to testify, at the Bridges' hearing at Angel Island.

Q. Anything else?

A. That is all. He just didn't want to go because he was a little irritated. He thought they are trying to buy him off, or something, that they would give him a trip down to San Francisco, but he misunderstood them.

Q. Did he state whether he had any information he could testify about in San Francisco?

(Testimony of Abraham Dickstein.)

A. At that—when is this, Mr. Grossman?

Q. When Boyd contacted him?

A. When we first contacted him?

Q. No; when he described his contact with Mr. Boyd did he state whether he could have testified in San Francisco, whether he had information that would have allowed it?

A. No, he didn't tell Mr. Boyd anything.

Q. I want to know what he told you about it?

A. He told us he didn't tell anything to Mr. Boyd.

Presiding Inspector: Is that all, Mr. Grossman?

Mr. Grossman: Just one moment, please. [6995]

By Mr. Grossman:

Q. Did Mr. Cannalonga ever mention a statement that he had given to Matt Meehan?

A. Yes, he did.

Q. When did he mention it?

A. That was on October the 8th.

Q. What did he say about it?

A. Well, he said that he left after he was contacted by Boyd. He was down walking through Seattle and he ran into Matt Meehan and he was all excited and he related to Matt Meehan his contact with Boyd, and that Matt Meehan invited him up to his office and asked him would he give a statement and he said he went up there and "I gave some sort of statement in the presence of Grace Corbin," who is the secretary of Matt Meehan, and that they had typed this statement up and he was

(Testimony of Abraham Dickstein.)

given a copy of this statement. That is what he told us.

Mr. Grossman: No more questions.

Mr. Del Guercio: No more questions.

Presiding Inspector: That is all.

(Witness excused.)

Presiding Inspector: The next witness.

Mr. Del Guercio: We will have another witness tomorrow. May we adjourn now? We haven't any more at the present time.

Presiding Inspector: Why, I suppose so. We still have a minute.

Mr. Del Guercio: I could take it up in making a speech. [6996]

Presiding Inspector: No.

Mr. Grossman: I wonder if we could find out if the Government has any idea when they will end so we could begin to make preparations for our witnesses?

Presiding Inspector: Finish tomorrow morning?

Mr. Del Guercio: I think we can finish tomorrow.

Mr. Grossman: Any idea of when tomorrow?

Mr. Del Guercio: Late tomorrow. It all depends on the cross.

Presiding Inspector: We will assume they will finish tomorrow morning early.

Mr. Del Guercio: No.

Presiding Inspector: That is a safer thing to assume because you will have your witnesses here, if you have any more.

Mr. Grossman: Yes, we will have some.

Presiding Inspector: Tomorrow morning at ten o'clock.

(Whereupon at 4:00 o'clock P. M. an adjournment was taken until ten o'clock Tuesday, June 10, 1942.) [6997]

Court Room 267
Federal Building,
San Francisco, California,
June 10, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

[6998]

PROCEEDINGS

Presiding Inspector: Now, Mr. Del Guercio, we will proceed.

Mr. Del Guercio: We are ready for another witness. Call Mr. Lundeberg, please.

Presiding Inspector: Stand up and raise your right hand.

HARRY LUNDEBERG

called as a witness in rebuttal on behalf of the Government; having been first duly sworn, testified as follows:

Presiding Inspector: State your name and address to the reporter.

The Witness: Harry Lundeberg; 59 Clay Street, San Francisco.

(Testimony of Harry Lundeberg.)

Direct Examination

By Mr. Del Guercio:

Q. Of what country are you a citizen, Mr. Lundeberg? A. United States.

Q. Are you a trade union man?

A. I have been a member of trade unions for 24 years.

Q. And will you tell us what position you hold in the trade unions at the present time?

A. I am the Secretary-Treasurer of the Sailors Union of the Pacific, and head of the Seafarers' International Union of North America, and Vice President of the State Federation of Labor of California. [6998]

Q. Is the Sailors Union of the Pacific affiliated with the American Federation of Labor at the present time?

A. Yes; the Sailors Union of the Pacific is affiliated with the American Federation of Labor.

Q. How long have you been active in trade union matters, Mr. Lundeberg?

A. I have been a member of the Sailors Union of the Pacific for 18 years; and prior to this I was a member of the Seamen's Union in Australia, and prior to that a member of the British Seamen's Union; and prior to that I was a member of the Norwegian Seamen's Union.

Q. Were you ever connected with the—strike that. Did you ever hold any position in the Maritime Federation?

(Testimony of Harry Lundeborg.)

A. I was the first President of the Maritime Federation.

Q. When was that?

A. That was in 1935; I was elected in April 1935. [7000]

Q. How many members does the Sailor's Union of the Pacific have at the present time?

A. The Sailor's Union of the Pacific at the Present time have between five and six thousand members active.

Q. Do you know a Mr. Melnikow?

A. Melnikow?

Q. Yes. A. Henry Melnikow?

Q. Yes. A. Yes.

Q. Now, was he ever, I believe the word is retained by your union, the Sailor's Union of the Pacific?

A. Henry Melnikow was retained by the Sailor's Union of the Pacific by Mr. Paul Scharrenberg, a discredited faker who was expelled from the Sailor's Union of the Pacific.

The Reporter: Will you spell that name, please?

The Witness: S-e-h-a-r-r-e-n-b-e-r-g. He was retained by Scharrenberg to help out in the negotiations and he was discharged—

Mr. Gladstein: (Interposing) Just a moment, please.

The Witness: (Continuing) —discharged from the Sailor's—

Mr. Gladstein: (Interposing) Just a moment, please, Mr. Lundeborg.

(Testimony of Harry Lundeborg.)

I think the question has been answered.

Presiding Inspector: I think so. [7001]

Mr. Gladstein: I move the last statement regarding the discharge be stricken as not responsive.

By Mr. Del Guercio:

Q. Why was he discharged, Mr. Lundberg?

Presiding Inspector: Wait a moment.

I think I will let it stand. It will only lead to other questions.

Mr. Gladstein: All right, your Honor.

The Witness: He was discharged——

Mr. Gladstein: (Interposing) Just a moment.

Mr. Del Guercio: I have a question there. It isn't necessary for counsel——

Mr. Gladstein: (Interposing) I want to make an objection to it, counsel.

Presiding Inspector: You are entitled to make an objection, of course.

Mr. Gladstein: I object to the question as incompetent, irrelevant and immaterial.

Presiding Inspector: Why is it material?

Mr. Del Guercio: Mr. Melnikow, when he was on the stand, testified as to why he was discharged from the Sailor's Union of the Pacific, for how long a period he set himself up as an expert on trade union matters.

Presiding Inspector: Was that on-direct? [7002]

Mr. Del Guercio: It was on direct and cross both.

Presiding Inspector: How is that, Mr. Gladstein? I don't recall.

(Testimony of Harry Lundeberg.)

Mr. Gladstein: I would like to check the record on that, if your Honor please. I am of the opinion that it was collateral matter brought out on cross.

Presiding Inspector: I think it is a collateral matter.

Mr. Gladstein: Brought out on cross examination.

Presiding Inspector: If it was brought out on direct I think he may answer.

Mr. Gladstein: Do you have a reference to the direct examination, Mr. Del Guercio, in which you say that was brought out?

Mr. Del Guercio: I have both; I don't have the record here before me.

Presiding Inspector: Let's get it.

Mr. Del Guercio: May I withdraw that question temporarily and proceed?

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Have your activities in the trade unions for the past 18 years been mostly on the Pacific Coast, Mr. Lundeberg?

A. On the Pacific Coast, yes.

Q. When was the Sailor's Union of the Pacific started?

A. The Sailor's Union of the Pacific was organized in [7003] 1885.

Q. And it has continued ever since?

A. Has been in continued existence since 1885.

Q. Do you know Harry Bridges?

A. Yes, sir.

(Testimony of Harry Lundeberg.)

Q. Do you recognize him here in the Court room?

A. Yes, sir.

Q. Will you point him out, please?

A. (Indicating) Sitting down there chewing gum.

Mr. Del Guercio: May the record show that the Alien has been identified by the witness?

Presiding Inspector: Oh, yes, no question about it.

By Mr. Del Guercio:

Q. Now, when did you first meet the Alien here?

A. I met Bridges first in 1934 up in Seattle.

Q. And under what circumstances, Mr. Lundeberg?

A. I met him in a meeting of the Seattle Marine Council.

Q. And when did you next meet him?

A. Next I met him in February, 1935, in San Francisco in the Maritime Conference.

Q. Here in San Francisco?

A. Yes; I was a delegate from the Sailor's Union there.

Q. And when was the next time that you met him?

A. The next time I met him was up in Seattle in the first Maritime Federation Convention. [7004]

Q. Was that a conference or a convention of the Maritime Federation?

A. That was the first convention of the Maritime Federation.

(Testimony of Harry Lundeberg.)

Q. That is the one in which you were elected President? A. That is right. [7005]

Q. And when was the next time that you saw the Alien?

A. I saw him down in Frisco from time to time. After I became elected to the Maritime Federation I used to go up and down the coast, and I ran into him down in Frisco from time to time.

Q. Will you state under what circumstances you met him here in San Francisco at that time?

A. Well, just in the line of trade union business.

Q. Have you ever been to his home here in San Francisco? A. Yes. I was to his home once.

Q. And when was that?

A. Oh, in '35; some time during '35; the summer of '35, I guess.

Q. And will you describe the circumstances under which you went to the Alien's home at that time?

A. I was invited up there for supper.

Q. Who invited you? A. Bridges.

Q. And did you go up there?

A. Yes; I went up there.

Q. And who did you meet, if anyone, when you arrived at his home? A. I met Darcy up there.

Q. And did you have any conversation with Darcy and Bridges at that time in Bridges' home?

A. Well, yes; we talked a while. [7006]

Q. Did Bridges introduce you to Sam Darcy?

A. Well, he introduced me to Sam Darcy, first as Mr. Jacobson, a carpenter, but afterwards he said it was Darcy.

(Testimony of Harry Lundeberg.)

Q. Will you relate all the conversation that you had in Bridges' home at that time with Darcy, yourself and Bridges?

A. Well, I don't remember the details. We talked about various things on the waterfront, and unions, and so forth.

Darcy asked lots of questions. It was a general conversation.

Q. Now, at that time you were the President of the Maritime Federation, is that right?

A. That is right.

Q. Is that right? A. Yes.

Q. Did Sam Darcy ask you to do anything?

A. Well, he asked me to join the Communist Party.

Q. What did he say about joining the Communist Party?

A. Well, he gave me a lot of soft soap, saying that if I joined the Communist Party it would do me a lot of good and the Communist Party will give me a lot of support, and all the soft soap they peddle around.

Q. And this was in the presence of Bridges?

A. Yes.

Q. Now, did Sam Darcy, in that conversation, say anything [7007] about Bridges being a member of the Communist Party in Bridges' presence?

A. He mentioned several people who was a member of the Communist Party.

Q. Who was that, Sam Darcy? A. Yes.

Q. What did he say about Bridges?

(Testimony of Harry Lundeborg.)

A. Well, he said he was a member of the Communist Party.

Q. What did Bridges say?

A. Well, he says, "You don't have to be afraid because nobody has to know you are a member of the Communist Party if you join."

Q. Did Bridges join Sam Darcy in urging you to join the Communist Party?

A. No. Sam Darcy is the guy—Sam Darcy was the guy who wanted me to join the Party.

Q. Now, was anything said about that if you joined the Communist Party they would throw their whole support to you and make you as big a shot as they had made Harry Bridges?

A. Well, this guy, Darcy, said, "We will give you lots of publicity, and will build you up, and make a great labor leader out of you," and the blah-blah that the Communist Party always peddles.

I told them that I wasn't interested in joining the Party; that I belonged to a trade union and always did, and couldn't [7008] see why I should belong to the Communist Party.

Q. Now, did Sam Darcy say that if you joined the Communist Party—

Mr. Gladstein: (Interposing) That is quite leading, all of this examination.

Presiding Inspector: Yes, you are leading.

Mr. Gladstein: The last three or four questions have been leading and I haven't objected.

Presiding Inspector: Yes. Be a little careful; be very careful.

(Testimony of Harry Lundeberg.)

By Mr. Del Guercio:

Q. Was anything else said by either Sam Darcy or by Harry Bridges at that time?

A. Well, I can't remember. There was a general conversation.

Q. Now, did you join the Communist Party?

A. I should say not.

Q. Can you recall at this time anything else that Bridges may have said in the presence of Darcy and yourself at that time?

Presiding Inspector: That he did say.

A. I can't remember the details. It was a general conversation.

By Mr. Del Guercio:

Q. Generally, in substance, what did Bridges say? We [7009] don't expect you, of course, to remember the exact words or the—

Presiding Inspector: Have you given the substance as far as you remember it?

The Witness: Well, the substance was, as I told you, that Darcy asked me to join the Communist Party and Bridges says, "You don't have to be afraid because I am one too," and the old stuff, and the conversation was friendly all the way through, and I just laughed at it and forgot about it.

By Mr. Del Guercio:

Q. Now, what was your attitude toward the Communist Party after that meeting?

A. My attitude toward the Communist Party.

(Testimony of Harry Lundeborg.)

and the organization I represent, is that we are fighting them both tooth and nail, and have been, and still are, and are going to continue to do so.

Q. Were you ever called down by members of the Communist Party because of your activities against them?

A. I was called down, and I was attacked by their press, and their sheets, and in meetings, publicly and otherwise; and I was called in some time during 1935 up to a meeting on Market Street, where there was at least five members, known members of the Communist Party, or Commissars—what they like to call themselves—and they tried to put the heat on me. [7010]

Q. Who were present at that meeting?

A. Elmer Hanoff, Walter Lambert, and a fellow by the name of Johnston, supposed to be from the Central Committee of the Communist Party.

Q. The Central Executive Committee of the Communist Party?

A. That is right; that is what he told me.

Q. How many persons were there there all together?

A. There were five, and myself was six.

Q. And you have mentioned Elmer Hanoff, Walter Lambert, Johnston. Do you recall anyone else?

A. I can't recall the names of the other ones.

Q. What occurred at that meeting?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I don't see any materiality.

Mr. Del Guercio: If the Court please.

(Testimony of Harry Lundeberg.)

Presiding Inspector: You have shown that these three men were there, but they are recognized Communists. I don't know about Johnston.

Mr. Del Guercio: This was a meeting following an invitation extended by Bridges and Sam Darcy to join the Communist Party.

Presiding Inspector: I can't see the competency. I will exclude it. You have shown his—

Mr. Del Guercio: (Interposing) I believe the Court will [7011] agree that we have a right to show, under the charges here made against the alien, the nature and character of the Communist Party, among other things.

Presiding Inspector: Yes, you have.

Mr. Del Guercio: How it operates, what its aims are, and particularly in connection with this alien's connection with the Communist Party.

Now, we have a meeting here—Mr. Lundeberg has testified to a meeting where he and one of the leading Communists on the west coast here, invite a prominent labor leader to join the Communist Party. They urge him to join and told him, "If you join we will conceal the fact that you are a member of the Communist Party just like we have Harry Bridges." This, Mr. Lundeberg refuses. Thereafter the Communist Party takes certain action.

Now, if we can show, and if this witness will so state that that action taken by the Communist Party followed, or was a result of his refusal to join, the invitation to join extended by the Alien and Sam Darcy, I believe it is very material.

(Testimony of Harry Lundeberg.)

Presiding Inspector: If it is intended to show that the Communist Party favored the overthrow of the Government by violence and force, or if it is intended to show they favored the illegal destruction of property, or illegal action, or if it is intended to show that the Communist Party was [7012] distributing seditious literature, then I should take it. But I don't see how——

Mr. Del Guercio: (Interposing) These activities are directed toward that end.

Presiding Inspector: Remotely, I think. I will exclude it for the present. [7013]

Mr. Del Guercio: Now, I believe that while Mr. Melnikow was on the stand—and counsel will correct me if I am mistaken——

Presiding Inspector: (Interposing) I beg your pardon?

Mr. Del Guercio: I say, I believe that Mr. Melnikow when testifying on direct examination spoke about——

Presiding Inspector: (Interposing) We don't find it; I don't find it.

Mr. Del Guercio: Accused the Sailor's Union of the Pacific of engaging in job action.

Presiding Inspector: I don't remember that.

Mr. Gaiser: I think it was on cross.

Presiding Inspector: It was suggested to me by my Clerk that that may have been on cross too.

Mr. Del Guercio: Well, while that is being found out I will pursue another line.

Presiding Inspector: While these matters were

(Testimony of Harry Lundeberg.)

important, still, I didn't charge my mind with them as to whether they were on the cross or on the direct examination, but it now becomes important because if they were on cross examination, then, you are bound by the answers.

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. Now, Mr. Lundeberg, do you know if the Alien here has ever been a member of the Sailor's Union of the Pacific?

A. Yes, he was a member. According to the records of [7014] the Sailor's Union he was a member of the Sailor's Union from April 20th; for four months he was a probationary member of the Sailor's Union of the Pacific.

Q. What is his record in the Sailor's Union of the Pacific? A. His record—

Mr. Gladstein: (Interposing) Object to it as calling for not the best evidence, immaterial.

Presiding Inspector: Maybe he doesn't know anything about it.

Mr. Del Guercio: The witness has testified he is familiar with the record.

Mr. Gladstein: I haven't heard that said.

Mr. Del Guercio: He is Secretary and Treasurer of the Sailor's Union of the Pacific, if your Honor please. He has been engaged—

Presiding Inspector: (Interposing) Have you examined the records in that respect?

The Witness: Yes, we examine the records of every member that ever joined the organization and dropped out, and we have the records all in our office.

(Testimony of Harry Lundeberg.)

Mr. Gladstein: I just heard the witness say the the records are available. I think they are the best evidence.

Mr. Del Guercio: I recall——

Presiding Inspector: (Interposing) I wouldn't put much stress on that, on this collateral point.
[7015]

Mr. Gladstein: I don't know how collateral Mr. Del Guercio intends to make it. It is collateral at the present time.

Presiding Inspector: It seems to be.

Mr. Gladstein: I think if the witness is going to testify as to the contents of records which are easily available to him that they should be produced.

Presiding Inspector: Where are these records?

The Witness: Down at the Sailor's Union.

Mr. Del Guercio: He is testifying, if your Honor please, from his recollection.

Presiding Inspector: Well, his recollection not of the fact but of certain records.

Mr. Del Guercio: Well, we have permitted the Alien here to testify from that when the records were available. We made the same objection.

Presiding Inspector: No, I don't — weren't those cases where the man had an independent recollection himself besides the recollection of the records?

Mr. Gladstein: And there were not any records

(Testimony of Harry Lundeborg.)

available, or the record which had been offered had been objected to upon some technical ground.

Presiding Inspector: I think you better produce the record. It would be safer, more convincing.

By Mr. Del Guercio: [7016]

Q. Have you discussed with anyone Harry Bridges' record in the Sailor's Union of the Pacific?

Mr. Gladstein: Object to that as immaterial.

A. That is a well known fact among—

Presiding Inspector: (Interposing) I will allow that. You have discussed it, yes or no?

The Witness: Yes.

By Mr. Del Guercio:

Q. And what is Harry Bridges' record in the Sailor's Union of the Pacific? A. It stinks.

Mr. Del Guercio: Now, I am not speaking of record in the sense of the record, but the Alien here has testified that he has been a good trade union man from the very beginning of time.

Presiding Inspector: Yes, we have heard that.

Mr. Del Guercio: And, I believe, that we have a right to go into that.

Presiding Inspector: You have, but the question is whether you are going into it the right way, but I see no objection.

Go on, Mr. Lundeborg.

The Witness: You asked me how the record was of Harry Bridges?

Presiding Inspector: Yes, what is his record?

(Testimony of Harry Lundeborg.)

The Witness: As far as the membership in the Sailor's Union is concerned and I am concerned it stinks. In 1921 [7017] Bridges shipped out on a ship out of New Orleans for twenty-five cents a month as a worker; that is against the union principles, and he was sailing without a union book in his pocket; that is also against the Sailor's Union principles. And he has been breaking through Sailor's Union picket lines on the Coast; that is against the Sailor's Union principles. And any man, in my opinion, who sails and works for a living should always pack a union book and he didn't do it; I did.

Presiding Inspector: When was all this?

The Witness: That was all in 1921, from there on. 1921 he shipped out on the Steamer Eldorado out of New Orleans for twenty-five cents a month as a worker.

Presiding Inspector: What was the latest one of these events?

The Witness: April 1938 Mr. Bridges led a bunch of goons through the Sailor's Union picket line in Seattle and broke their picket lines on the whole Pacific Coast when we had a fight with the shipowners. He took the side of the shipowners.

By Mr. Del Guercio:

Q. Mr. Lundeborg, do you know the reputation of Mr. Melnikow among the members of your union for truth and veracity?

Mr. Gladstein: I will object to that as immaterial and improper.

(Testimony of Harry Lundeberg.)

Mr. Del Guercio: Improper? That is quite unusual [7018] coming from counsel. That is all they have been doing in this hearing.

Mr. Gladstein: I move that that remark be stricken.

Presiding Inspector: I didn't hear it; I didn't pay attention to it; I was thinking about——

Did Mr. Melnikow have anything to do with your union except on one occasion?

The Witness: Well, he didn't have anything to do with it after I got in there; I got rid of him.

Presiding Inspector: Well, now, you have been asked whether you know his reputation among the men of your union. Of course, his business is as a trade union advisor. You know that?

The Witness: I know all about him.

Presiding Inspector: Has he ever done any business with your union?

The Witness: Do you want to know his reputation among the members of the——

Presiding Inspector: (Interposing) Not yet. I want to see whether the reputation is broad enough, whether your knowledge is broad enough to let you answer the question, you see. That is what I wanted.

Now, from among what people do you know his reputation? Among trade unionists in general?

The Witness: Yes, from the membership of the Sailor's [7019] Union; that is good enough for me; 6000 members.

(Testimony of Harry Lundeberg.)

By Mr. Del Guercio:

Q. And what is his reputation, Melnikow's reputation among those 6000 members for truth and veracity?

Mr. Gladstein: The same objection; incompetent, irrelevant and immaterial; improper examination.

Presiding Inspector: I think it is a little doubtful. I will take it.

What is his reputation; good or bad?

By Mr. Del Guercio:

Q. Is it good or bad? A. Bad.

Q. Would you believe him under oath?

Mr. Gladstein: The same objection.

Presiding Inspector: I will take it.

A. I wouldn't.

Mr. Del Guercio: Now, if your Honor please, I don't like to be put in a position of trying to press this point too much but I believe that we have the right—

Presiding Inspector: (Interposing) It is quite all right for you to press it, Mr. Del Guercio.

Mr. Del Guercio: (Continuing) —to go into the question there of this man. This Witness has testified regarding this conversation there with the Alien and Sam Darcy.

Presiding Inspector: I think you have got all that there [7020] is in that, Mr. Del Guercio.

Mr. Del Guercio: Don't you think we are entitled to go into it as to what followed that incident

(Testimony of Harry Lundeberg.)

there because it is directly connected. Here is an invitation, here is the Communist Party, a representative of the Communist Party and Bridges saying "You come in with our party, or if you don't, why, it will be too bad."

Mr. Goodwin: Your Honor, may I say something after Mr. Del Guercio has concluded?

Presiding Inspector: Yes, certainly, if Mr. Del Guercio yields the floor to you.

Mr. Goodwin: Your Honor, Mr. Del Guercio thinks that this is material to the Government's case.

When I was brought into this case by the Attorney General I advised the Attorney General that it was not only necessary that the Alien have a fair hearing but that the public should know that he had had a fair hearing. Now, I say at this hour and in this unlimited emergency it is not only necessary that the Government shall have a fair hearing but that the public should know that it has had a fair hearing.

As I say, Mr. Del Guercio has thought and thinks that this line of testimony is material. If it is excluded there is no remedy hereafter. If it is admitted and your Honor should think hereafter that it is immaterial or irrelevant your Honor may disregard it, but you have been very indulgent to the other [7021] side. We have asked no indulgence with you. I think the examination of this witness is crucial and I think we ought to be permitted to ask the questions, to have

(Testimony of Harry Lundeborg.)

them asked and have them answered. If your Honor should think hereafter that they are immaterial or irrelevant there is no jury to be affected. I think your Honor should permit the answer of these questions as you have permitted the answer of other questions on behalf of the Alien with the right on their part to move to have them excluded hereafter.

For that reason I ask your Honor to permit Mr. Del Guercio to continue this line of examination.

Presiding Inspector: What is your theory about its relevance?

Mr. Goodwin: I leave it to Mr. Del Guercio.

Mr. Del Guercio: If your Honor please, I have another round upon which I believe this line of inquiry is proper. It is this: This will show how the Communist Party works with relation to trade unions, that it is part of their policy to, of course, infiltrate into trade unions and through their trade unions create such a situation as will ultimately lead to their final aims.

Now, this is an exact situation here, I believe, that will demonstrate that method, that infiltration into the trade labor unions and how they do it and how they work and for what purpose, and, I believe, that on that theory of law, on that [7022] ground the evidence would be admissible.

Presiding Inspector: As bearing on the question of whether a man could be a member of the Communist Party and a good trade unionist?

(Testimony of Harry Lundeberg.)

Mr. Del Guercio: No, not necessarily on that theory, but the policy of the Communist Party to show what the policy of the Communist Party is toward trade unions, how they bore into the trade unions, what they represent to bona fide trade unionists, how they go about trying to get bona fide trade unionists to enter the ranks of Communism, for what purpose and for what ultimate aim.

Mr. Goodwin: There is another point on which I think it is material. It has been the same at all times on their part, that this Alien, and he admits it, with the assistance of the Communist Party has accomplished great things for labor. I think on that theory also, the question of what their methods are, what they have done, is material at this time, but I leave it to the major argument projected by Mr. Del Guercio. Your Honor can reserve ruling on it and have it stricken out hereafter if on argument it appears to be irrelevant or improper.

Mrs. King: The suggestion originally made by Judge Goodwin that in this National Emergency rules of evidence change and that there is any difference from what there would be when there is not a National Emergency seems to me quite improper and also irrelevant to the situation which confronts us at this [7023] time.

It seems to me that it is also improper to suggest that great latitude has been allowed in the introduction of evidence on behalf of the Alien. We have been complaining for weeks of the fact

(Testimony of Harry Lundeborg.)

that evidence that we have wanted to introduce in this hearing has been held to be irrelevant and we don't see that suddenly, because the Government charges that everything that we have wanted has gone in, they are entitled to put in everything that they want.

And finally, with reference to the operation of the Communist Party in trade unions it seems to me that the effort on the part of the Communist Party to get in any trade union from the time the Party began to the present time would be relevant if this testimony which is sought to be elicited at this time is relevant. It has no connection with Harry Bridges.

Now, at times it has been suggested that we forget that it is Harry Bridges that is having a hearing here. It seems to me that if there was a moment at which it is being forgotten it is right now in connection with this offer to introduce evidence and we claim that this is entirely irrelevant and that these emotional arguments made to your Honor with reference to this testimony should not be given any weight whatsoever.

Mr. Goodwin: Your Honor, what the Communist Party is, what its methods are is of vital interest, is a vital question in this case. We have a witness here who has first-hand knowledge on that question and we think that we have a right to [7024] examine him in regard to it, and I think that if we don't we are denied the right to present the entire case.

(Testimony of Harry Lundeberg.)

Presiding Inspector: We are only interested in the Communist Party so far as its party policies are seditious. We are not interested in any other way. I can't see how this evidence——

Mr. Goodwin: (Interposing) You are not interested in their methods?

Presiding Inspector: Yes, provided it is connected, directly connected with seditious purposes. Now, I don't see that they are asking this man to be a member or even threatening him if he isn't a member, that they will break him, or anything of that kind. I am merely imagining what he may say. I don't see how that is within the scope of the specifications in the warrant.

Mr. Del Guercio: If the Court please, that is my fault here because I didn't make it very clear. What we are trying to show by this evidence, we are trying to follow up this invitation extended to Mr. Lundeberg by Mr. Bridges and Sam Darcy. It follows it is a result of that, of that meeting, what I am trying to bring out now, this other occurrence. It is directly connected with it. I think it is admissible on that ground under any rule of evidence.

Presiding Inspector: That is another thought, that you want to introduce this as some corroboration of the fact that [7025] the request was made in the presence of Mr. Bridges.

Mr. Del Guercio: Certainly, your Honor.

Mr. Goodwin: Your Honor, it is a ridiculous understanding and statement to say that the re-

(Testimony of Harry Lundeberg.)

quest was made. The pressure that was brought to bear, what happened in this meeting, all those things go to the methods of the Communist Party and go to the issues here, and if we don't connect it up in such a way as to make it material your Honor may strike it out.

Presiding Inspector: No, I will exclude it.

Go ahead. Ask the next question. [7026]

Mr. Del Guercio: May I make an offer of proof on this question?

Mr. Gladstein: I will object to the offer.

Presiding Inspector: I don't think so. You made it very clear what you wanted to show. If you can in any way ask a question that will connect Mr. Bridges with this I will permit it.

Mr. Del Guercio: Sir?

Presiding Inspector: If you ask a question that will in any way connect Mr. Bridges with this conversation I will allow it.

By Mr. Del Guercio:

Q. Mr. Lundeberg, as a result of this meeting with Harry Bridges and Sam Darcy, and as a result of your refusal to join the Communist Party, did you have any further doings with the Communist Party, or with members of the Communist Party?

Mr. Gladstein: One moment. I object to this as calling for the opinion and conclusion of the witness, and being improper and immaterial.

Presiding Inspector: I think I will exclude that as calling for his conclusion on the matter, it not

(Testimony of Harry Lundeberg.)

being shown that he would have any opportunity of knowing any facts from which to draw a conclusion.

By Mr. Del Guercio:

Q. Was any further effort made by the Communist Party [7027] to induce you to join the Communist Party after this incident that you have related?

Mr. Gladstein: I think that is just——

A. (Interposing) Yes——

Mr. Gladstein: (Continuing) ——the same question in another form.

Presiding Inspector: I will exclude that question. If there is any other effort of Mr. Bridges to have him join the Communist Party I will permit it.

By Mr. Del Guercio:

Q. Was any further effort made by anybody who was present at Harry Bridges' house to thereafter induce you to join the Communist Party?

Mrs. King: That is objected to, your Honor.

A. No.

Mr. Gladstein: We withdraw the objection.

Presiding Inspector: You may answer the question.

The Witness: I said "No."

Presiding Inspector: I didn't hear it.

The Witness: I don't know when I am supposed to speak because this gets mixed up.

Presiding Inspector: You are quite right.

(Testimony of Harry Lundeberg.)

When an objection is made just wait until the Inspector rules, until I rule on it.

The Witness: Yes. [7028]

By Mr. Del Guercio:

Q. Did either Sam Darcy or Harry Bridges tell you that someone else connected with the Communist Party would thereafter see you?

A. No; I don't think—no, they didn't. It wouldn't have done them any good anyhow.

Presiding Inspector: I want to give you full liberty, Mr. Del Guercio. If you can show in this conversation, which seemed to have been grouped, containing one member from the Central Executive Committee, if you can convey in any of this conversation that there was anything seditious, or in favor of sabotage, or the distribution of seditious literature, anything along the line of the accusations which are shown in the Warrant, of course, I will receive it.

Mr. Del Guercio: That is not the ground upon—

Presiding Inspector: I thought not, but I wanted to have it so there wouldn't be any misunderstanding.

Mr. Del Guercio: We will, however, show that there were threats made against an outstanding labor leader if he refused to join the Communist Party and follow the Communist Party line.

Presiding Inspector: Physical threats?

Mr. Del Guercio: Physical threats, if your Honor please—and this followed directly the invi-

(Testimony of Harry Lundeberg.)

tation with a request made by Bridges and Sam Darcy to join the Communist Party. [7029]

Presiding Inspector: If they threatened physical injury to this man, or anyone else, I will take that.

By Mr. Del Guercio:

Q. Mr. Lundeberg, were you ever threatened with physical injury—

Presiding Inspector: No, no—at this time we are in, this conversation where Johnston was present. I confine it to that because what some independent person said, or who is a Communist, wouldn't be competent here. You have got to show that it was within the Communist line.

Mr. Del Guercio: May I show what occurred at that meeting in order that I may bring out this line?

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Where was this meeting held?

Mr. Gladstein: I will object to that as immaterial.

Presiding Inspector: I will take it.

A. The meeting was held up in a hall, up on Market Street, which was the headquarters for the so-called United Union Labor—something like that—some Communist front organization they had in '35 to elect themselves a Mayor in this town.

By Mr. Del Guercio:

Q. Who invited you to attend this meeting?

(Testimony of Harry Lundeborg.)

Mr. Gladstein: Object to that as immaterial.

[7030]

Presiding Inspector: I will take it.

A. They called me on the phone. I don't remember who.

By Mr. Del Guercio:

Q. And what was said at this meeting?

Mr. Gladstein: Same objection.

Presiding Inspector: Wait a second. What was said in relation to physical injury to you or any other person?

A. Well, they wound up by telling me that if I didn't go down the line that they would put the heat on me and move me off the Coast.

And one of the Communists got so excited that he grabbed me by the arm and said, "We will fix you, see."

I told him to shoot his best shot.

By Mr. Del Guercio:

Q. Who grabbed you by the arm, Mr. Lundeborg?

A. Commissar Hanoff.

Q. Elmer Hanoff?

A. Yes.

Q. Were any other threats made upon your person at that meeting?

Mr. Gladstein: I object to that and move that the previous answer be stricken on the ground that—

Presiding Inspector: I think I will let it stand.

A. Well, they all—at first, the conversation was soft, to kind of soften me up, telling me what they

(Testimony of Harry Lundeberg.)

could do [7031] for me, and what a good guy I was.

I told them "Nothing doing."

They told me to go down and stop bucking the policy of the Communist Party in the Sailors Union.

I said "That is none of your business," because they are not members of the Sailors Union and as long as I have anything to say no Communist is going to stick their snouts into the Sailors Union.

They got up and finally said, "If you don't go down the line we will give you the heat."

I says, "They wasn't big enough to give me the heat."

They said, "The Communist Party is pretty strong in this country."

I said, "Yes? You shoot your best shots, see, and try it." I said, "I am not going to be driven off the coast by a bunch of guys like you."

Then Hanoff got a little excited, I guess, and so he grabbed my arm and says, he says, "Well, we will see that the heat is on you, young fellow."

I told him to try it out. "You are not big enough to handle me anyhow. So that is that."

Q. Were any other threats made upon you at that meeting—strike that. How long did this meeting last, Mr. Lundeberg?

A. It lasted for five hours.

Q. Did they tell you at this meeting what they wanted [7032] you to do?

A. Yes.

(Testimony of Harry Lundeberg.)

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I will allow it, in view of what has now been said that these statements were conditioned upon membership.

A. (Continuing) They wanted me to stop bucking the Communist Party in the Sailors Union.

By Mr. Del Guercio:

Q. Thereafter were any other threats made upon you by members of the Communist Party?

A. Yes. On January 27, 1936—

Mr. Gladstein: (Interposing) I object to that as incompetent and immaterial.

Presiding Inspector: Yes. Threats of physical injury or destruction of property, I will take it. Of course, you have got to first show that threats were made by the Communist Party, a responsible person.

Mr. Del Guercio: Yes, your Honor.

A. (Continuing) On January 27, 1936, the Sailors Union lost their charter, was kicked out of the International Seamen's Union. There was a big meeting down in San Francisco. A resolution was passed to stick together and hold the organization together, regardless of what happened. It was carried practically unanimously by the membership. [7033]

About one o'clock in the morning, when I got into my hotel—I lived in a hotel right across the street here, the Grand Southern—it was one o'clock in the morning, and I was laying down, and then

(Testimony of Harry Lundeberg.)

three guys came into my room, and among them was Walter Lambert. I asked them how the hell they got into my room at that time in the morning.

So they says, they started to abuse me right away about what happened in the Sailors' Union meeting. They said, "That is against the Communist Party policy because we must stay within the A. F. of L. That is the policy of the Communist Party."

I said, "What has the Communist Party got to do with the Sailors Union and what they do in their meetings? They know what to do themselves."

They says, well, they got a little tough so I kicked them out of there.

Mr. Gladstein: I move the entire answer be stricken.

Presiding Inspector: Strike it out.

By Mr. Del Guercio:

Q. Did they threaten you, Mr. Lundeberg, with physical violence?

A. Well, they threatened physical violence with their mouth, but didn't do anything else. They talked, but they didn't try anything else because I was ready for them.

Q. You mean they didn't accomplish their purpose? [7034]

A. Not yet.

Mr. Del Guercio: You may cross examine.

(Testimony of Harry Lundeborg.)

Cross Examination

By Mr. Gladstein:

Q. When was this meeting held on Market Street?

A. It was some time during this labor campaign, United Labor Party campaign.

Q. What part of the year?

A. Probably it was in—you could probably find out that.

Q. You answer—what is your best recollection?

A. It was during '35.

Q. What part of the year, the early part or the latter part?

A. During the time of the City Election.

Q. What is your best recollection as to when those elections were held?

A. I can't say for sure.

Q. Was it in the spring?

A. No; probably in the summer, spring or summer. I can't remember.

Mr. Del Guercio: If your Honor please, I think counsel is misleading the witness. He knows when those elections were held.

Mr. Gladstein: Just a moment. I object to counsel starting [7035] to make a speech for the purpose of coaching the witness on the stand. I have a right to ask that question.

Presiding Inspector: It leaves me cold on both sides.

Ask the next question.

(Testimony of Harry Lundeberg.)

By Mr. Gladstein:

Q. Mr. Lundeberg, you——

Presiding Inspector: You may press him.

By Mr. Gladstein:

Q. (Continuing): —you say you were asked to stop bucking the Communist Party?

A. Yes.

Q. You were told that you ought to and that is when they threatened you?

A. They told me that I should; that I had to.

Q. Had you been bucking the Communist Party?

A. Well, I hadn't fought them at that time, but they were starting to put the heat on so I started fighting back.

Q. What kind of fighting back did you do?

A. I took on their stooges in the Sailors Union and weeded them out, for one thing.

Q. You attacked them openly, is that right?

A. Oh, yes; a union policy.

Q. When did you first become an officer of the Sailors Union?

A. I became an officer of the Sailors Union in 1934. [7036]

I was a patrolman in Seattle, and was elected by the membership.

Q. When did you become Secretary-Treasurer?

A. I became Secretary-Treasurer of the Sailors Union in 1936.

Q. What was your position, union position, in the Sailors Union during 1935?

(Testimony of Harry Lundeborg.)

A. I was, up to April, 1935, I was a patrolman for the Sailors Union in the Port of Seattle.

Q. What were you after April?

A. I was President of the Maritime Federation.

Q. Did you hold an office in the SUP?

A. No, not while I was President of the Federation, but I was an active member.

Q. How long have you been fighting the Communist Party in the Union?

A. Well, I have been fighting them right along.

Q. Since you became a leading official in the Trade Union movement?

A. Yes.

Q. Since you became President of the Maritime Federation?

A. Absolutely.

Q. When did you become an American citizen?

A. 1933.

Q. Have you ever been a member of the Communist Party? [7037]

A. No.

Q. Have you ever been a member of the Industrial Workers of the World?

A. You mean the IWW?

Q. Don't you know what the full name of the IWW is?

A. I do; but I was never a member of it.

Q. Do you think a Communist can be a good trade unionist?

A. No.

Q. Now, Mr. Lundeborg, you mentioned Mr. Scharrenberg, whom you called a discredited official?

A. That is right.

Q. You meant discredited with the rank and file of your union membership?

(Testimony of Harry Lundeberg.)

A. Yes. He was expelled from the Sailors Union of the Pacific.

Q. He was rather a leading figure during the 1934 Maritime Strike, was he not?

A. Not to my knowledge.

Q. Well, of course, you were not participating actively as a member of any Strike Committee, or as a trade union official, in 1934, were you?

A. I was on the Sailors Union of the Pacific Strike Committee in the Port of Seattle. I was active every day during the strike.

Q. In Seattle? [7038] A. Yes.

Q. Don't you know that Paul Scharrenberg was in San Francisco as an official of the ISU and was regarded as the leading figure among the conservatives in the trade union movement connected with that strike?

A. He might have been an official of the ISU, but he was not an official of the Sailors Union of the Pacific. George Larson was the Secretary of the Sailors Union of the Pacific. Mr. Scharrenberg was not active, and didn't attend meetings. He was up-town with the rest of them.

Q. What position—do you know what position Mr. Scharrenberg held with the ISU in 1934?

A. He didn't hold any position. I believe, to the best of my knowledge, I think he was an ISU West Coast representative of some kind of the International Executive Board, or something like that.

Q. Wasn't Scharrenberg also a member of the SUP? A. He was; but he is not now.

(Testimony of Harry Lundeberg.)

Q. Wasn't he also then the Secretary of the California State Federation of Labor?

A. He was; but he is not now.

Q. Wasn't he also acting as the negotiator for the Sailors Union of the Pacific during that strike?

A. Against the membership's will.

Q. Now, don't you know that it was Mr. Scharenberg [7039] who was the author of a resolution in the San Francisco Labor Council expressing opposition to the 1934 Maritime Strike and attacking the waterfront unions, including the ILA, as engaging in a Communist Strike?

A. I don't know, but I wouldn't put it past him.

Q. Now, Mr. Lundeberg, during or after that 1934 strike, the membership of the Sailors Union faced the problem of whether to expel, or not to allow MWIU members, previous MWIU members, to join the Sailors Union, isn't that correct?

A. Well, they didn't face—that was not a particular problem with the Sailors Union.

Q. You say it was not a particular problem?

A. No.

Q. Wasn't a demand made that the Sailors Union of the Pacific expel members who previously had been members of the MWIU?

A. No. I, myself, advocated in the Sailors Union that any active, bona fide seaman that participated in the strike become a member, regardless of what affiliation they had; and as long as a man was an active, bona fide seaman, had participated in the strike, we didn't care where he came from.

(Testimony of Harry Lundeborg.)

Q.—Even including those who had previously been members of the MWIU?

A. There were lots of good men in the MWIU.

Q. As a matter of fact, isn't one of the reasons that the Sailors Union of the Pacific had its charter revoked by [7040] the ISU, the fact that the SUP refused to expel men whom you have called good seamen, who participated in the strike, who had previously been affiliated with the MWIU?

A. That had nothing to do with the expulsion of the Sailors Union of the Pacific. The Sailors Union of the Pacific was expelled, for one thing, because we expelled Paul Scharrenberg; second, because they claimed that we engaged in an outlaw strike. That is what they were expelled for, for refusing to take orders from the International Executive Board, who lived back east and didn't know what the score was on this coast.

Q. You say one of the reasons was not the refusal of the Sailors Union of the Pacific to comply with the demand of the ISU, or officials of the ISU, to expel men who had previously been affiliated with the MWIU?

A. Absolutely. I believe, and the chances are that—I believe that one of the reasons they expelled us from the International Seamen's Union was because they didn't like me, and a lot of other guys were fighting Scharrenberg, and had him expelled, and it had nothing to do with the MWIU.

Q. Isn't that one of the reasons given by Mr. Scharrenberg?

(Testimony of Harry Lundeborg.)

A. No; I don't think so. I have all the records; I can find out by digging into the files.

Q. Wasn't part of the fight of the SUP against Mr. [7041] Scharrenberg, and the ISU officials, a fight to protect men in the SUP who had formerly been members of the MWIU?

A. No. It was not a fight, Mr. Gladstein, because I put the motion on the floor in a San Francisco meeting in 1932 to expel Mr. Scharrenberg from the Sailors Union. That was long before 1934. That has been a long fight in the Sailors Union.

If you want me to tell you the background I might do so.

Q. You say—the latest instance that you cited in your direct examination of Harry Bridges' record concerns the breaking of the SUP picket lines in April of 1938 at Seattle? A. That is right.

Q. Was that not a jurisdictional dispute between your union and the National Maritime Union?

A. No; it was not a jurisdictional dispute. The Sailors Union of the Pacific had an agreement, a closed shop agreement, with that company, and has had since 1937.

Q. I asked whether it was a jurisdictional dispute between the National Maritime Union and the Sailors Union of the Pacific. You say "No"?

A. No.

Q. Isn't it true that the National Maritime Union had won an election conducted under the auspices of the National Labor Relations Board for the right to represent the men working on that ship, or other ships of that company, involved in this [7042] inci-

(Testimony of Harry Lundeberg.)

dent that you are discussing? Answer "yes" or "no", please?

A. I don't know. But I know we had a written agreement, closed shop, and that is good enough for me.

Q. Your picket line was thrown around a ship which had on it a crew belonging to the National Maritime Union, an affiliate of the CIO, isn't that correct? A. That is correct.

Q. And your picket line was for the purpose of keeping CIO longshoremen off a ship being worked by a CIO crew, correct? A. No.

Q. Isn't that what you did? A. No.

Q. You were trying to get a crew off, weren't you?

A. Our purpose for the picket line was to tie the ship up so the ship owners will live up to an agreement signed with the Sailors Union of the Pacific.

Q. But you wanted that crew kicked off the ship, didn't you?

A. We wanted the shipowners to live up to their agreement.

Q. Please, Mr. Lundeberg—

Mr. Del Guercio: (Interposing) The witness has answered the question several times.

Presiding Inspector: I think I will let Mr. Gladstein press him on the matter. [7943]

Mr. Del Guercio: How many times?

Mr. Grossman: Until he answers the question.

Presiding Inspector: If the same questions are asked I suppose the answers will be the same.

(Testimony of Harry Lundeborg.)

By Mr. Gladstein:

Q. Was it not your purpose, by that picket line, to prevent CIO longshoremen from handling cargo on that ship, with the intention of achieving this result: That a CIO crew on that ship should be taken off and men of your union be put in their place?

A. We had no fight with the CIO longshoremen. The purpose of the picket line was to make the shipowners, Mr. Shepard, live up to the agreement and stop chiseling.

Presiding Inspector: How were you going to make him do that?

The Witness: To take the men right from the Sailors Union Hall, where he had a contract to hire our men, and live up to every agreement, to pay our wages and meet certain conditions.

That was what they was trying to get away from by getting a CIO crew there.

Presiding Inspector: What was the purpose of the picket line?

The Witness: The purpose of the picket line was to tie the ship up. [7044]

Presiding Inspector: How does the picket line succeed in tying the ship up?

The Witness: We tried to stop the ship from working.

By Mr. Gladstein:

Q. You mean you tried to stop the longshoremen from working the ship?

(Testimony of Harry Lundeberg.)

A. We didn't stop the longshoremen. We tried to tie up the ship.

Presiding Inspector: You tried to keep everyone from working?

The Witness: Right.

Presiding Inspector: Longshoremen and everyone else?

The Witness: That is right.

By Mr. Gladstein:

Q. And your purpose was to have that CIO crew removed from that ship of the Shepard Line, and have your own men placed in their places, isn't that correct?

Mr. Del Guercio: That has been asked and answered.

Mr. Gladstein: I don't think it has been answered.

Presiding Inspector: I think so.

Mr. Gladstein: Other than by a statement that he wanted the company to live up to a contract. I am entitled to press him as to what he means by that.

Presiding Inspector: Ask him that.

By Mr. Gladstein:

Q. What did you mean when you stated that the purpose of [7045] your picket line was to have the company live up to its agreement?

A. The Sailors Union had struck that company a year prior to that, for the purpose of cleaning the ships of scabs, and we kicked the CIO men out

(Testimony of Harry Lundeberg.)

of the Sailors' Union hall, and we insisted that the company live up to their agreement and hire Sailors' Union men and live up to the West Coast scale.

Is that O.K.?

Presiding Inspector: We will have a short recess.

(Whereupon a short recess was taken.)

By Mr. Gladstein:

Q. Mr. Lundeberg, at the time you say you were invited to Mr. Bridges' house, and met Sam Darcy there, were you already the President of the Maritime Federation of the Pacific?

A. Yes; yes, I was.

Q. Now, going back to this Shepard Line incident, do you mean to say that you did not know whether there had been a Labor Board proceeding to determine whether the SUP or the NMU had the right to represent the men on the ships of that company?

A. No. As a matter of fact, the Sailors Union of the Pacific took no part in that. Their name was not on the ballot. They protested the election and—they held an election without putting the Sailors Union on the ballot.

Q. Do you know that there was an election and that the NMU won? [7046]

A. They had been trying to get an election.

Q. You do know there was an election held, don't you?

(Testimony of Harry Lundeberg.)

A. It was pretty hard to follow the National Labor Relations Board in those days.

Q. Do you or don't you know there was an election at which the NMU won the right to represent the men on those ships of the Shepard Line?

Mr. Del Guercio: The witness has answered that. He can't answer "yes" or "no". He has got to give an explanation. He can't give a "yes" or "no" answer without an explanation.

Mr. Gladstein: He has given his explanation.

Presiding Inspector: I don't think his explanation is very full.

Mr. Del Guercio: Ask for a fuller explanation, rather than pressing him.

Mr. Grossman: It seems this question is capable of a "yes" or "no" answer. He either knew it or he didn't know it.

Presiding Inspector: That implies that an election is something like a color on this well, dark or light, and the person is asked to answer "yes" or "no".

Mr. Grossman: That is not true in connection with the National Labor Relations Board with respect to this witness, who is a trade unionist. Either an election was held, or it wasn't, and he has had plenty of dealings with the NLRB, and it is obvious he is dodging the question. It isn't that he can't answer[7047] the question.

Presiding Inspector: Isn't it capable of the explanation that in his opinion this was not a legal election?

(Testimony of Harry Lundeberg.)

Mr. Gladstein: I am willing to accept that kind of a response, but I want his knowledge as of that time. If he wishes to criticize the election he is entitled to do it. I am not going to hold him to that.

Presiding Insector: Then there is no misunderstanding.

Mr. Del Guercio: Well, there are elections and there are elections. That is probably what the witness has in mind.

Mr. Grossman: This is a Government election.

Mr. Gladstein: You shouldn't have mentioned that.

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. Mr. Lundeberg, didn't you know at the time that you put your picket lines around that Shepard Line ship in Seattle that the National Labor Relations Board had conducted an election proceeding and had certified the National Maritime Union as the exclusive collective bargaining representative of the employees of that company?

A. I don't know if they had certified them.

[7048]

Q. Didn't you know that the NMU had won that election?

A. No, I didn't know because we was not in the competition:

Q. Didn't you take an interest to find out whether a branch of the United States Government had certified another union as against your own union with this Shepard Line?

(Testimony of Harry Lundeborg.)

A. If they certified it they must have made a mistake because we have got the agreements today.

Q. Didn't you take an interest at that time to find out, Mr. Lundeborg, whether the National Labor Relations Board had conducted a proceeding in which the NMU had won an election to represent the men on those ships?

A. I found that out later on when they called me into Washington, D.C. to appear before the National Labor Relations Board in regards to that dispute.

Q. When did you find that out for the first time?

A. They called me into Washington, D.C.

Q. When was that?

A. It was during that Shepard Line beef.

Q. Before the picket lines were removed?

A. After; we didn't remove them until we won the beef.

Q. Was that the first time, when you were called into Washington, D.C., that you knew that there had been a Labor [7049] Board proceeding in connection with that Shepard Line?

Mr. Del Guercio: If your Honor please, the witness did not testify that he didn't know that there was a Labor Board decision, but that certification——

Presiding Inspector: (Interposing) If that is so he can say.

Mr. Gladstein: I will withdraw that.

By Mr. Gladstein:

Q. Was that the first time when you were called

(Testimony of Harry Lundeberg.)

into Washington, D. C. that you found out that there had been an election conducted by the National Labor Relations Board?

Mr. Del Guercio: I object to that. That is not what the witness has testified.

Mr. Gladstein: I don't care what he has testified. I have a right to ask the question.

Mr. Del Guercio: You have no right to deceive the witness.

Presiding Inspector: You have no right to deceive.

The Witness: Ask me the question again.

Mr. Gladstein: Certainly, read it to him.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I think you will have the same trouble with that question as you did with the earlier ones, because, I think, the witness claimed that he did not know it was an [7050] election before that time.

Mr. Gladstein: I don't care whether he regards this as a valid or invalid election.

Presiding Inspector: Well, make that clear to him.

By Mr. Gladstein:

Q. You understand, Mr. Lundeberg, that by answering these questions you are not pinning yourself down as to whether you regarded that election as being void or valid or anything else. We are not asking you for your judgment, and nothing that you

(Testimony of Harry Lundeberg.)

will say will make that election good or bad. You understand that?

Mr. Del Guercio: Your Honor, I will object to that statement from counsel.

Mr. Gladstein: It is for the purpose.—

Presiding Inspector: (Interposing) This is merely my suggestion so that there will be no misunderstanding on the part of the witness.

Mr. Del Guercio: Then, I think the Court should address the witness, not counsel.

Presiding Inspector: I will accept it.

By Mr. Gladstein:

Q. Now, with that understanding, Mr. Lundeberg, will you please state whether at the time you went to Washington, D.C. that was the first knowledge you had ever gained that there had been an election conducted by the National Labor [7051] Relations Board to determine whether your union or the NMU—withdraw that—to determine who should represent the men on the Shepard Line?

A. I didn't know of any election; they never notified us, that is, the first time I knew about a certification was when I got into Washington, D.C.

Presiding Inspector: Did you know that something was going on, that some people considered it an election?

The Witness: Yes.

By Mr. Gladstein:

Q. A few moments ago you said that your union refused to participate in the election; is that correct? A. No, I didn't say "refused."

(Testimony of Harry Lundeborg.)

Q. What did you say?

A. I said we were never even asked to participate. The National Labor Relations Board evidently handed out the Shepard Line beef to the CIO. We was not asked to get in on the election.

Q. And you never knew about the holding of the election until after you had gone to Washington, D.C. and found out that the NMU had been certified, is that correct?

A. I got to Washington, D. C. and they told me they had been certified and so forth and they wanted to make a compromise with us, the National Labor Relations Board, the Government wanted to compromise after they had an election. [7052] In other words, the election was phony.

Q. Do you mean to say you never knew until you got to Washington, D.C. and learned that the NMU had been certified to represent the men on the Shepard Line ships that an election was going to be held at any prior time?

A. I didn't know anything about that. They never told us they were having an election.

Q. Now, don't you know that the longshoremen in the Port of Seattle held a mass meeting to discuss the question of whether they should respect your picket line around that Shepard Line ship and that they voted not to respect that picket line because it was a jurisdictional picket line?

Mr. Del Guercio: I will object to that as being testimony, not a question, your Honor.

Mr. Gladstein: It calls for his knowledge.

(Testimony of Harry Lundeberg.)

Presiding Inspector: I think counsel asks whether that is a correct statement. I am not sure that is the question, that the question is technically correct.

Mr. Gladstein: That is correct.

Presiding Inspector: We will take it with that understanding.

Is that in substance correct?

The Witness: I didn't know; I wasn't in Seattle.

By Mr. Gladstein:

Q. Didn't you hear to that effect? Weren't you informed to that effect, Mr. Lundeberg? [7053]

Mr. Del Guercio: Now, he is asking for hearsay.

Mr. Gladstein: Well, I am asking him for his information.

Mr. Del Guercio: (Continuing) On a collateral matter.

Mr. Grossman: Just a minute.

Your Honor, Mr. Lundeberg would attempt to characterize Mr. Bridges as a trade union man on the basis of this picket line. Now, since he is going to make a judgment and he did make a judgment based on this picket line we have a right to know what he knew regardless of how he knew it.

Presiding Inspector: I think you have. I don't think you need to argue.

Mr. Grossman: Mr. Del Guercio—

Presiding Inspector: (Interposing) I am going to allow it.

Mr. Gladstein: Is there a question before the witness? I think there is. I will repeat it.

(Festimony of Harry Lundeborg.)

By Mr. Gladstein:

Q. Weren't you informed officially, Mr. Lundeborg—wasn't your union informed by the ILWU convention of the taking of such a vote and a determination on their part to disrespect your picket line on the ground, as they said, that it was a jurisdictional dispute?

A. I don't know anything about it.

Presiding Inspector: Do you mean you didn't get any [7054] official information?

The Witness: Absolutely not.

By Mr. Gladstein:

Q. Did you get any information from any of your union officials or from any other source to that effect?

A. I didn't get any information from any of our union officials.

Q. Or from anyone else? A. No.

Q. And isn't it a fact that the Maritime Federation of the Pacific at the same time took action of a similar kind to that which I have described in my questions to you with respect to the ILWU?

A. The Maritime Federation of the Pacific caused—went on record to recognize no other union on the Pacific Coast for sailors than the National Maritime Union. Consequently, they regarded the Maritime Federation as a dual and hostile organization to the Sailor's Union of the Pacific.

Q. Isn't it true that as of that time you learned that the Maritime Federation of the Pacific went on record with specific reference to the Shepard Line

(Testimony of Harry Lundeberg.)

as to the effect that your picket line was a jurisdictional picket line? Yes or no, please?

A. I learned at that time that the Maritime Federation of the Pacific come out openly to break up the Sailor's Union, [7055] to replace us with the CIO on the Pacific Coast; that is what I found out.

Presiding Inspector: Well, that doesn't quite answer the question.

The Witness: Well, it is close.

Presiding Inspector: Well, you found what you say, but did you also find out that they had adopted the resolution of which Mr. Gladstein spoke?

The Witness: I didn't know anything about the resolution that they passed about jurisdictional picket lines. All I know about, they passed a resolution to recognize no other union but the National Maritime Union, the CIO, a dual and hostile organization to the Sailor's Union of the Pacific Coast.

By Mr. Gladstein:

Q. Was this an important incident to you, the Shepard Line incident? A. Well, it was.

Q. Were you on the Pacific Coast or in this country somewhere?

A. I was in San Francisco.

Q. Weren't you taking an interest in what was going on up there?

A. I led the Sailor's Union of the Pacific in San Francisco; at Pier 41 we slugged it out.

Q. "You slugged it out?" A. Yes, sir.

(Testimony of Harry Lundeberg.)

Q. That is the time you had a baseball bat in your [7056] hand?

A. I never had a baseball bat in my hand.

Mr. Del Guercio: Your Honor, that is uncalled for. I demand that counsel be censured.

Presiding Inspector: I think with that answer there would be some occasion for the question.

By Mr. Gladstein:

Q. Now, Mr. Lundeberg—

The Witness: (Interposing) For the records, I didn't have no baseball bat in my hand.

Presiding Inspector: No, I know.

By Mr. Gladstein:

Q. Mr. Lundeberg, isn't it true that you knew while that dispute was going on that the ILWU Convention and the Maritime Federation of the Pacific adopted resolutions branding your picket line in Seattle, as jurisdictional?

A. No, I didn't know.

Q. And you didn't take any interest to find out?

Mr. Del Guercio: If your Honor please, I think he has pressed him enough on that point. He can go on to another subject.

Presiding Inspector: He didn't know.

Did you make any inquiries about this subject that you didn't know anything about? That is the question.

The Witness: I didn't make any inquiries about anything. [7057] I didn't know anything about— I was too busy taking care of the Sailor's Union business.

(Testimony of Harry Lundeberg.)

By Mr. Gladstein:

Q. Well, didn't you care at that time——

A. (Interposing) Care for what?

Q. (Continuing) ——what position, official position the ILWU or the Maritime Federation of the Pacific took or might take on your picket line in Seattle?

Mr. Del Guercio: If your Honor please, I will object to that.

Presiding Inspector: If he feels he took any interest he can say so.

A. To take any interest about what?

Mr. Gladstein: Read the question.

Presiding Inspector: Did you take any interest in the subject?

The Witness: Well, I took the interest to defend the rights of the Sailor's Union of the Pacific; that is my job.

By Mr. Gladstein:

Q. I am asking you whether you took an interest in finding out the position that the Maritime Federation or the ILWU took or might take in connection with your Shepard Line picket line?

A. The Maritime Federation? I didn't have to take an interest in that. They have already gone on record to do away with the Sailor's Union of this coast; that is official knowledge. [7058]

Q. Mr. Lundeberg, please listen to the question. A. I heard you.

Mr. Gladstein: I will repeat the question so you can answer it.

(Testimony of Harry Lundeberg.)

Mr. Del Guercio: If your Honor please, it isn't necessary that he repeat the question. The witness has already said he heard it.

Mr. Gladstein: I think the answers have not been responsive, your Honor. I wish to direct the——

Presiding Inspector: (Interposing) I am not quite sure. I will hear the question.

By Mr. Gladstein:

Q. Mr. Lundeberg, I want to know whether you took any action to find out what position, if any, the Maritime Federation of the Pacific or the ILWU took or might take during that dispute with specific respect to your picket line in Seattle?

Presiding Inspector: Do you understand that?

The Witness: What action they took or did take, the Maritime Federation or the Longshoremen?

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Yes, did you do anything to find out what action they took?

A. I went down to—I followed the instructions of the Sailor's Union of the Pacific membership to fight for our rights and our contracts in that company. [7059]

Mr. Gladstein: I submit the answer is not responsive. I move it be stricken.

Presiding Inspector: No, I won't strike it but I will ask the question.

Did you send a messenger down; did you write a

(Testimony of Harry Lundeberg.)

letter; did you go yourself or did you send a telegram or telephone, find out what attitude this body took in respect to this strike?

The Witness: No, I didn't do that. I was down there to fight for our rights.

Presiding Inspector: Yes. Well, did you read anything in the newspaper about it?

The Witness: I didn't have time.

Presiding Inspector: That you remember?

The Witness: I didn't have time to read a newspaper those days.

Presiding Inspector: You knew that body was hostile, however, to your organization?

The Witness: Yes, I knew that.

Presiding Inspector: You had known it for some time?

The Witness: That is right.

By Mr. Gladstein:

Q. Now, you have been engaged in quite a number of trade union disputes in which you and Harry Bridges have been on opposite sides of the fence; isn't that true? [7060]

A. Trade union disputes? Opposite sides?

Q. Yes.

A. Well, I guess our policies differ.

Q. Isn't it a fact that in 1937, the late part of the year, you were opposed in your position to Bridges in connection with the placing by the Teamsters Union in San Francisco of a mass picket line on the San Francisco waterfront for the purpose of forcing warehouse workers who were then in the CIO to go into the Teamsters Union?

(Testimony of Harry Lundeborg.)

A. That I was opposed to Bridges?

Q. Yes.

A. The Sailor's Union of the Pacific—I just live up to the policy of the membership, that they always respect a picket line, and that was the policy of the Sailor's Union of the Pacific.

Q. Well, then, isn't it true that you supported the Teamsters and opposed Bridges and the International Longshoremen's and Warehousemen's Union in connection with that embargo of the waterfront for the purpose of forcing warehousemen out of the CIO and into the A. F. of L.?

Mr. Del Guercio: Just a moment, please, your Honor. I will object to the question. It is long, compound, ambiguous and it is difficult to follow.

Presiding Inspector: Well— [7061]

Mr. Gladstein: (Interposing) Do you understand the question, Mr. Lundeborg?

The Witness: Oh, I understand it very well.

Mr. Gladstein: He is smarter than his lawyer.

The Witness: Smarter? Perhaps, I am as smart as you are. You don't have to go to law to be smart.

Mr. Del Guercio: If your Honor please, I think the record ought to show the remark of counsel to which the witness has replied.

Presiding Inspector: I guess the reporter got it.

Do you understand the question?

The Witness: Yes.

(Testimony of Harry Lundeberg.)

Presiding Inspector: Now, what do you say about it?

The Witness: It has never been my position to try to force organized workers from one union into another. They stay in the union they wish as far as I am concerned, but we are very friendly with the Teamsters Union. They have been very good to us; they have been very good to the longshoremen and everything on this waterfront. As a matter of fact, if it hadn't been for the Teamsters we would not have won the strike in 1934; they are the ones that won the strike for us.

Now, is that good enough?

By Mr. Gladstein:

Q. Didn't you know in the fall of 1937 that the only issue was the Teamsters were demanding that Warehousemen who were in the CIO leave the CIO and become members of the [7062] A. F. of L.?

A. No, that wasn't the only issue as far as I was concerned.

Q. What was the issue?

A. I understood they had a fight about the Cat Pack Plant, or something.

Q. What was the issue—

Mr. Del Guercio: (Interposing) If your Honor please, the witness is answering that.

Presiding Inspector: Well, he has answered it, I think.

Do you want to go into the matter in dispute.

Mr. Gladstein: I am entitled to go into it if the witness denies the issue.

(Testimony of Harry Lundeborg.)

Presiding Inspector: I didn't know that you wanted to.

By Mr. Gladstein:

Q. What was the issue, Mr. Lundeborg, if it was not as I have put it, that the Teamsters were trying to force warehousemen out of the CIO and into the A. F. of L.?

A. Not that I know of. I understood there was a dispute about a Cal Pack warehouse, about teamsters driving in there, and there was some trouble between the teamsters and the warehousemen. I didn't know and still don't, never heard that they were trying to force them into the A. F. of L.

Q. What did you hear the issue was?

Mr. Del Guercio: Now, that is going into—

[7063]

A. (Interposing) I didn't hear because I didn't mix into other peoples' business. I take care of the Sailor's Union business.

By Mr. Gladstein:

Q. Do you mean to say that your union and you refused to pass through pickets without your finding out what the issue was and why those pickets were there?

Mr. Del Guercio: If your Honor please, I object to that as being argumentative.

Presiding Inspector: I will take it.

A. Up to that time the Sailor's Union of the Pacific, it was their policy on this coast to respect all picket lines on the Pacific Coast, and the Sailor's Union was one organization who lived up to it, but

(Testimony of Harry Lundeborg.)

after the CIO got into the picture they used to start to break picket lines. Well, it used to be the common thing after that.

By Mr. Gladstein:

Q. Now, we are talking now prior to the Shepard Line incident.

A. Prior to the Shepard Line incident the policy of the Sailor's Union of the Pacific was to respect any picket line.

Q. Regardless of what the issue was?

A. That is right; a picket line was a picket line to us. [7064]

Q. Was that the reason that you supported the Tacoma longshoremen last year when they were striking against the National Labor Board decision to the effect that the ILU was entitled to represent the longshoremen on the Pacific Coast?

A. The Sailor's Union of the Pacific supported the Tacoma longshoremen for one specific reason, in their attempt to deal with the waterfront employers who refused to recognize them as a bona fide organization, or refused to deal with them, and they had a fight against the bosses and we backed them up. We will do it again.

Q. Didn't you know at that time you were backing up the Tacoma longshoremen, Mr. Lundeborg, that for several years prior to that time and as of that time there was in effect a decision of the National Labor Relations Board certifying the CIO Union, the International Longshoremen's and Warehousemen's Union, as the exclusive collective

(Testimony of Harry Lundeberg.)

bargaining representative for all longshoremen in Pacific Coast ports employed by ship owners?

Mr. Del Guercio: Just a minute now. I lost sight of the question.

Presiding Inspector: Well, do you understand the question?

The Witness: Oh, very well.

Mr. Gladstein: Will you answer it?

Presiding Inspector: You may answer it. [7065]

A. I did not go into the details of what the National Labor Relations Board did. What was most in our mind there was a thousand men in Tacoma who wanted to get an agreement with the owners and the owners refused to—tried to make second class citizens out of them. We backed them up there and would do it again.

By Mr. Gladstein:

Q. Didn't you know, Mr. Lundeberg, that there is in effect this decision of the National Labor Relations Board that I have mentioned in my previous question as of the time and before the time that you supported the Tacoma longshoremen's picket line?

A. I know there was a decision handed down but it has not been finally decided; it is still in the Courts, whether that ruling is right or wrong. The Tacoma longshoremen has that before the Court in Washington, D. C. now.

Q. Well, isn't it true, Mr. Lundeberg—and you have mentioned contracts a moment ago—isn't it true that as of the time you supported the Tacoma

(Testimony of Harry Lundeborg.)

longshoremen and before your picketing activities there was in effect and had been for some time a Pacific coastwide collective bargaining agreement covering all longshoremen between the shipowners and the ILWU, the terms of which covered Tacoma longshoremen as well as those in other ports?

Mr. Del Guercio: Just a moment. I will object to that if your Honor please. The witness has already answered the [7066] matter is still under litigation.

Mr. Gladstein: This is as to the contract.

Presiding Inspector: This isn't a decision; it is a contract now. I will take this if the witness understands it.

The Witness: Oh, I understand it perfectly, Judge.

Presiding Inspector: All right.

Mr. Gladstein: Will you answer it?

The Witness: Sure, I can answer it.

Mr. Gladstein: Please do.

A. The Tacoma longshoremen are not part of the CIO.; They are members of the American Federation of Labor; they are friends of the Sailor's Union of the Pacific and we always help our friends; that is good enough.

By Mr. Gladstein:

Q. Even in a strike against the Government?

A. Oh, was it a strike against the Government now?

Q. I am asking you that. Do you help your friends even in a strike against the Government, Mr. Lundeborg?

(Testimony of Harry Lundeborg.)

A. Do you class the National Labor Relations Board as the Government?

Q. Will you answer my question? Do you help your friends in a strike even against the Government?

A. We never strike against the Government?

Mr. Del Guercio: If your Honor please, I will—

Presiding Inspector: (Interposing) Just a moment. [7067] Has there been any such incident?

Mr. Gladstein: Yes, there was such an incident.

Mr. Del Guercio: Mr. Bridges' incident that he is talking about.

Mr. Gladstein: I will lay a more detailed foundation.

By Mr. Gladstein:

Q. Mr. Lundeborg, isn't this incident in Tacoma when you supported the Tacoma longshoremen—isn't that the one concerning which Dean Wayne Morse was called to hold a hearing and which, in his decision, he branded the action of the Tacoma longshoremen as a strike against the United States Government?

A. Well, because Dean Morse said that, that doesn't say it is true, does it? Who is Dean Morse? He is paid by the CIO longshoremen; retained; they pay him so much dough a year. Naturally, he is going to say against the A. F. of L. longshoremen. He is going to talk for the ones that pay him, ain't he? That is what you are doing.

Presiding Inspector: The next question.

(Testimony of Harry Lundeberg.)

Mr. Gladstein: Yes, sir.

By Mr. Gladstein:

Q. Now, last year there was another dispute, was there not, involving some fishermen, Mr. Lundeberg, in which you and Mr. Bridges were on opposite sides of the fence?

A. Where was that fishermen's beef? Can you explain what place it was? I might be able to remember it. [7068]

Q. I am referring now to an incident involving fishermen on ships going to Alaska.

A. Well, you—

Q. (Interposing) Were you not engaged in a dispute at that time in which both you and Bridges were on opposite sides of the fence?

A. I believe you and I were on the opposite side; you were down on Clay street on a sound truck telling the Sailor's Union members to go up and take away the union from me, you and Mr. Grossman, weren't you down on Clay street?

Presiding Inspector: He is not a witness.

By Mr. Gladstein:

Q. Are you just as sure about that, Mr. Lundeberg, as you are about the rest of your testimony?

Presiding Inspector: Now, Mr. Gladstein, let's have him answer the question that you put first.

Was there an incident about these fishermen in which you and Mr. Bridges were on two sides of the controversy, different sides?

The Witness: I didn't know that Bridges was a fisherman; he was not on that.

(Testimony of Harry Lundeberg.)

Presiding Inspector: You weren't either?

The Witness: No.

Presiding Inspector: In an advisory capacity were you on opposite sides? [7069]

The Witness: I used to fish mackerel on the Dover banks in the North Sea.

Presiding Inspector: We are not going into those things, or trout fishing or anything else.

You remember this thing, don't you, this controversy?

The Witness: There was no controversy with Bridges. There was a controversy with the fishermen's union down there; I remember it.

By Mr. Gladstein:

Q. That is a CIO Union, the Fishermen's Union?

A. That is right. Do you want to know more about it? I think you know plenty.

Q. Wasn't the issue in dispute, Mr. Lundeberg, whether the members of the CIO Fishermen's Union should be ousted from their jobs on those ships going to Alaska to be replaced by members of your union?

A. No, that was not the issue.

Presiding Inspector: That answers it. Now, this is a collateral matter. We have got to make some progress. Do you want to know what the issue was, Mr. Gladstein?

Mr. Gladstein: Yes, I would like to have the witness' understanding.

(Testimony of Harry Lundeberg.)

By Mr. Gladstein:

Q. What was the issue, Mr. Lundeberg?

A. The issue was that the members of the Sailor's Union wanted to sail the ships, which is their job. The [7070] sailors, they sail the ships. The fishermen go up to Alaska and fish. We wanted to stop the fishermen from doing two jobs, one as a fisherman and one as a sailor. This job is distinctly a sailor's union jurisdiction. We sail those ships; the fisherman doesn't. They fish for salmon in the Bering Sea and they have no business to sail and take a sailor's job; they have no business to hold two jobs.

Q. Had your men ever done the work of sailing those ships during the past 40 years up to that date? A. Oh, yes.

Q. When?

A. They have sailed them up to the time they had square-rig ships going up there; members of the Sailor's Union sailed them.

Q. Up to what date?

A. Oh, to what did you say?

Q. I said during the last 30 or 40 years.

Presiding Inspector: Up to about what date?

A. They have sailed them for years, members of the Sailor's Union.

By Mr. Gladstein:

Q. Up to when, Mr. Lundeberg? Had any members of the Sailor's Union sailed those ships that were engaged in this controversy last year at any time since, say, 1900?

(Testimony of Harry Lundeberg.)

A. Yes, they sail them every year, every spring and every fall they sail them. [7071]

Q. They used to as members of the Sailor's Union? A. We have contracts.

Q. As members of the Sailor's Union?

A. Yes, we have contracts with the Alaska packers, Libby, McNeil & Libby.

Q. What was the dispute about, then, if your men were occupying those positions? What was the dispute about?

A. The fishermen wanted to sail the vessels up on the fishing trips and we have an agreement with Libby, McNeil & Libby, for instance, the biggest packers on the Pacific Coast, where they retain the sailors from the spring to the fall of the year, from the time they start out until the finish, and they keep sailors aboard these vessels up in the Bering Sea while they are fishing, and the Fishermen's Union in Seattle recognized that right but the Fishermen's Union in San Francisco did not, and it is the same organization, and it was just trying to chisel in on the Sailor's work, that is what it is.

Q. Hadn't the Fishermen's Union members sailed the vessels up to Alaska in previous years?

A. Where? From where?

Q. From Seattle and San Francisco?

A. No, not from Seattle.

Q. How about San Francisco?

A. San Francisco? They had from time to time, yes; [7072] part of the time, not all of the time. But nevertheless it doesn't say it was their right to do so.

(Testimony of Harry Lundeberg.)

Presiding Inspector: You have answered it.

By Mr. Gladstein:

“Q. Now, for some time, Mr. Lundeberg, there has been a running dispute between your union and the ILWU with respect to the performance of long-shore work on steam schooners; isn't that true?

Mr. Del Guercio: Now, if your Honor please, there is no such evidence.

Presiding Inspector: No, he is asking him about it; he is going to ask him about it. He is showing bias; all this is proof directed to the question of bias.

Mr. Del Guercio: Has there been? Not that there is such a dispute; has there been such a dispute?

Mr. Gladstein: I will ask the reporter to read the question to the Court. If there is anything improper in it I will reframe it.

Would you read it?

(The question referred to was read by the reporter as above recorded.)

Mr. Del Guercio: I renew my objection.

Presiding Inspector: I will overrule it.

A. Longshoremen work on steam schooners? The sailors on the steam schooners?

Presiding Inspector: (Interposing) No; he just wants [7073] to know whether there has been a dispute about this.

The Witness: Well, it all depends on what you call longshore work, or what—

(Testimony of Harry Lundeborg.)

Presiding Inspector: (Interposing) Yes. Well, that is the question.

The Witness: You see, I have to explain.

Presiding Inspector: There has been some disagreement about the matter?

The Witness: About sailors' work, not longshoremen work.

By Mr. Gladstein:

Q. About the unloading of cargo while the steam schooners were in port; isn't that what the issue is?

A. That is right.

Q. This issue has been of pretty vital importance as a matter of dispute between the Sailor's Union and the longshoremen even before there was an ILWU and while the longshoremen were in the ILA; isn't that true?

A. It has between various officials, yes, but I don't think the longshoremen themselves are interested in it.

Q. When you say "various officials" I suppose you mean including yourself and Bridges both of whom are on the opposite sides of the fence and have been on this issue; would that be correct?

[7074]

A. Perhaps you are right.

Q. And isn't one of the complaints made against you and the Sailor's Union in connection with that issue the charge that your men perform longshore work while the steam schooners are in port, that is, unloading cargo at wages far less than the established wage provided for longshore work on the Pacific Coast?

(Testimony of Harry Lundberg.)

A. There is no such a charge in the Sailor's Union against that. The Sailors on board steam schooners make more money than the longshoremen. They get their feed, they have rooms, and they get boarded; they get their wages and they average two hundred to two hundred and fifty-dollars a month. They get steady work.

Q. How much an hour do they get?

A. They work by monthly wages and overtime wages.

Q. Please break this down into the handling of cargo while the steam schooners are in port, not the performance of seamen's work while the vessels are at sea. I am referring now only to the doing of this handling of cargo work while the steam-schooners are in port. Isn't it true that the charges made by the longshore unions are that your members are performing longshore work at less than half the established scale of wages for longshore work on the Pacific Coast?

A. The charge may be so from some of the officials of the longshoremen but it is not true. The sailors on the steam schooners are better off than the longshoremen. They [7075] get steady employment, more wages, and they can work month in and month out; they are not casual workers.

Q. How much an hour do your members get for performing this work of handling cargo while steam schooners are in port?

A. They work on a monthly base; they get overtime rates and certain working rules. Sometimes, they get as high as \$2.20 an hour.

(Testimony of Harry Lundeborg.)

Q. What did you say the average wage of your members on these steam schooners including overtime is per month?

A. From \$200 to \$250 a month.

Q. How much does the overtime come to?

A. Well, that is pretty hard to tell, different rates all the time.

Q. Your best judgment?

A. Sometimes they get \$1.10 an hour overtime, sometimes \$2.20; it is pretty hard to say.

Q. What is the total monthly average earnings not counting overtime?

Mr. Del Guercio: Now, your Honor I will object to that. We are going into a comparison now.

Presiding Inspector: I will take it. I think the witness opened this subject.

Mr. Del Guercio: Sir?

Presiding Inspector: He opened this subject by testifying respecting the comparative advantages of the two positions. [7076]

The Witness: I didn't open it up. They opened it up.

Presiding Inspector: I will allow it.

A. I have told you that the Sailor's Union gets—a man that goes to sea on deck in a steam schooner will get paid so much a month which is \$90.00 a month. He gets his three squares a day, coffee time at ten and coffee time at three and coffee time at nine o'clock, three square meals, and they get a flop on top of it, a bunk.

(Testimony of Harry Lundeborg.)

Q. How many hours a month is that, how many hours a day, how many days a month, if you care to put it that way, for the \$90.00 a month?

A. That is monthly wages.

Q. I know. How many hours of work per day, how many hours of work per week for the \$90.00 a month?

Presiding Inspector: Let me put the question.

How many hours does a sailor work a day while he is on the ship?

The Witness: On the ship he stands his watches, three watches, four on and eight off; that is the Government law.

By Mr. Gladstein:

Q. That is 12 hours a day, isn't it?

A. Is it? Four on and eight off? Four and four is eight; I didn't know it was twelve.

Q. They work eight hours a day, is that right?

A. Stand regular steamboat inspection watches: it is a [7077] Government law, see. You can't strike against the Government.

Q. And how many hours a day in port working cargo?

A. Working eight hours and the overtime.

Q. That is, if they work over eight hours?

A. Yes, sir.

Presiding Inspector: No overtime for the sailors during the voyage?

The Witness: It all depends on what kind of work you do. If you work outside of your regular

(Testimony of Harry Lundeberg.)

watch hours, then, you get paid overtime. For instance, if I get a four to eight watch and I go to the wheel and steer the vessel from four to six, then, I come down from the ship and they tell me to go around the deck and paint, then, I get overtime for it.

Presiding Inspector: Is that common?

The Witness: Yes, that is very common. We only do the regular navigation duties but any work outside of that is overtime and paid for.

By Mr. Gladstein:

Q. Outside of overtime, then, is this correct, Mr. Lundeberg: That your men make \$90.00 a month for eight hours of work a day?

Presiding Inspector: On the voyage?

Mr. Gladstein: In port or out?

A. They get \$90.00 a month plus their meals and plus their room. [7078]

By Mr. Gladstein:

Q. That is in port or out; correct?

A. In port and at sea, \$90.00 a month, plus their meals plus their room.

Mr. Del Guercio: If the Court please—

The Witness: (Interposing) I want to get that in, and they eat pretty good, too. I got to make a correction: the wages—

Presiding Inspector: (Interposing) Just wait.

The Witness: The wages—

Presiding Inspector: (Interposing) Wait until they have talked.

(Testimony of Harry Lundeberg.)

The witness wants to make a correction.

The Witness: The wages is \$97.50 a month. I forgot we raised the wages not so long ago. I must be slipping.

By Mr. Gladstein:

Q. Now, Mr. Lundeberg, have you ever been a party to any law suits brought against Harry Bridges?

A. Law suits against Harry Bridges? Me?

Q. Well, you or your union?

A. Against Harry Bridges?

Q. Against Harry Bridges as one of a number of defendants. Either personally against Bridges or naming him as a defendant?

A. We have not—the Sailor's Union has never brought a suit against Bridges.

Q. How about you? [7079] A. No.

Q. Have you recently brought suit against the Maritime Federation of the Pacific and certain officials including Harry Bridges?

A. The Sailor's Union of the Pacific have got a law suit against the Voice of the Federation for slander, and the Voice of the Federation—you probably know. You are the attorney, aren't you?

Q. Isn't Bridges named as a defendant in that case?

A. I couldn't tell you. The attorneys take care of that; I wouldn't mix into their business.

Q. For how much are suing, Mr. Lundeberg?

(Testimony of Harry Lundeberg.)

A. I don't know what they are suing for at all. It is not—it doesn't make any difference what they are suing for. I don't even remember. It is in the hands of the attorney.

Q. When you went to dinner at Harry Bridges' house did you go alone? A. No.

Q. Whom did you go with?

A. I went there with—well, I went alone but I met people there.

Q. What other people did you meet there?

A. I met Bridges' wife and Bridges' secretary.

Q. Did you bring anybody? [7080]

A. No.

Q. What is the name of Bridges' secretary?

A. Norma Perry.

Q. Were there any other people who were there that evening? A. Darcy.

Q. Well, other than what you have already named? A. Not that I can remember.

Q. Where did this discussion take place?

A. In one of the rooms, in the kitchen.

Q. You say that was in the summer of 1935?

A. It was in 1935; I can't exactly say the date.

Q. Where did Mr. Bridges live at that time?

A. He lived up on Pine Street some place, somewheres around there. I have forgot the number now.

Q. Was it before—withdraw that.

Do you remember there was a time when Mr. Bridges went to the hospital in the year 1935? Do you recall that?

(Testimony of Harry Lundeberg.)

A. Yes, I remember Bridges went to the hospital.

Q. Now, was this—

A. (Interposing) That is the time I sent him flowers, isn't it?

Q. You remember that, do you?

A. Well, I guess I do. You told him, didn't you?

Q. Mr. Lundeberg, was this incident, this supper at [7081] Bridges' house before or after the time that Bridges went to the hospital?

A. I can't recall, but I think it was after.

Q. What trade union position did you hold, if any, besides President of the Maritime Federation of the Pacific? Is that the only one?

A. That is right.

Q. Who was present when this discussion took place?

A. Only me and Bridges and Darcy.

Q. In what room of the house?

A. Oh, I don't know; I guess it was the kitchen. I can't recall.

Q. Before or after supper?

A. Well, I guess it was—I don't know whether it was before or after. It was during that night when we were there talking.

Q. Don't you know whether it was before or after supper?

A. No, I can't remember exactly.

Q. Where was Mrs. Bridges at the time?

A. I think she was in the other room.

(Testimony of Harry Lundeborg.)

Q. Which other room?

A. Well, they had another room there.

Q. Well, which room, if you know?

A. Well, I don't know the different, how many rooms [7082] they had, and I don't know,—but I know we were alone when we discussed this; that is all I know.

Q. Was the door open or closed?

A. I don't remember.

Q. Had you ever met Darcy before?

A. No.

Q. Was Mr. Bridges' daughter there?

A. I can't remember; she might have been in and out of there; I don't know.

Q. Now, you say you were introduced to Mr. Darcy by what name? A. Jacobson first.

Q. And where were you when this introduction took place? A. In Mr. Bridges' house.

Q. Well, where in the house?

A. Oh, I don't remember what room it was.

Q. Was it right after you came into the house?

A. Yes.

Q. When you came into the house you say you didn't bring anybody to the house with you?

A. Not that I remember.

Q. Well, you came there and you found Norma Perry, Mrs. Bridges, possibly Mr. Bridges' daughter, Mr. Bridges and Mr. Darcy; correct? [7083]

A. That is right.

Q. Were you introduced immediately?

A. Yes, sir.

(Testimony of Harry Lundeborg.)

Q. You don't remember where you were introduced, is that right?

A. I was in the house, I guess.

Q. Somewhere in the house? A. Yes, sir.

Q. And what name was Mr. Darcy introduced by?

A. Mr. Jacobson, if I am not mistaken, that is what it was.

Q. You say if you are not mistaken. You mean you are not sure?

A. Well, I am pretty sure that that was the name, Mr. Jacobson.

Q. And for how long—

A. (Interposing) He was supposed to be a carpenter.

Q. For how long—withdraw that.

How long was it before you were later told that the man's name was really Darcy?

A. Well, that was just shortly afterwards.

Q. Well, how long afterwards?

A. I couldn't tell you; maybe half an hour, maybe ten minutes, maybe five minutes. [7084]

Q. Between those two points, that is, the time of the introduction of the man by the name of Jacobson and the time that you were told that the man's name was really Darcy there had been discussion among the people who had been there?

A. General discussion, general talk.

Q. This introduction then took place in front of the other people who were there, did it?

(Testimony of Harry Lundeberg.)

A. Well, I don't know whether they were right there when I shook hands with him or not, but they might have been there; they might not.

Q. Where were you when you were told that the man's name was not Jacobson at all but Darcy?

A. I was in Bridges' house.

Q. Where in the house?

A. I don't know; I don't remember the house; I don't remember the room. I was only in there once.

Q. Were you having supper at the time?

A. We were eating something there.

Q. You were eating something at the time?

A. I don't know if I was eating something at the time I was introduced to him or the time he told me his name was Darcy.

Q. You don't remember that?

A. No; I remember I was told his name was Darcy.

Q. That was in front of the other people who were [7085] there?

A. I didn't say that.

Mr. Del Guercio: He didn't say that.

By Mr. Gladstein:

Q. I am asking. Was that—

A. (Interposing) I don't remember.

Presiding Inspector: I think he said that before.

Mr. Del Guercio: Certainly.

By Mr. Gladstein:

Q. You say you received an invitation to dinner at the house?

A. Yes.

(Testimony of Harry Lundeborg.)

Q. From Bridges? A. Yes.

Q. Do you remember the circumstances under which you got the invitation?

A. Well, I don't remember exactly the circumstances. He asked me to come up to have dinner with him and a friend of his.

Q. Where were you at the time the invitation was extended?

A. I don't know. It must have been around the waterfront somewhere, probably around the Sailor's Union Hall.

Q. Did he tell you who the friend was at the time he extended the invitation?

A. No. [7086]

Q. Did you ask him? A. No.

Q. What else was the conversation about?

A. Oh, just general matters, union, waterfront, so forth.

Q. When did he tell you to come?

A. Oh, I don't recall; it was an evening. I can't remember the hour exactly.

Q. Just before you came up there; is that the idea?

A. I don't remember exactly what time the invitation was.

Q. Do you remember whether he made a date for a special day in the future or whether your impression is that casually or otherwise he asked you to come up to the house that evening for supper?

A. Oh, I imagine it was just a casual invitation.

(Testimony of Harry Lundeborg.)

Q. Now, you say that that night Bridges said, admitted to you that he was a Communist?

A. Well, that is what I said. He stated "Nothing to be afraid of; I am a member of the Communist Party" and shrugged his shoulders and laughed. And I said "Well, it is O.K.; do what you like; I will do what I like."

Q. Have you ever told anybody about this?

A. Oh, I have mentioned that from time to time.

Q. This specific—this particular admission, Mr. Lundeborg? [7087]

A. Oh, I mentioned it to a lot of sailors from time to time.

Q. All right; who is the first person you ever mentioned it to? Do you remember?

A. Oh, I can't remember whom I have mentioned it to.

Q. Well, name any person to whom you have mentioned it?

A. Oh, to some of the officials and the members of the Sailor's Union. I can't tell who the first was.

Q. When is the first time that you ever mentioned to anybody that Bridges had admitted to you that he was a Communist?

A. Oh, I can't remember.

Q. When is the first time you ever told any Government agency anything to that effect?

A. I have never told the Government agency that at any time.

(Testimony of Harry Lundeberg.)

Q. At any time up to the time that you took the stand? A. Well, I was—

Q. (Interposing) At any time up to the time you took the stand, Mr. Lundeberg?

A. I talked to Mr. Del Guercio last night. I was called in. He had a subpoena against me. Otherwise, I didn't want to go to jail for 60 days so I went up and saw him. [7088]

Q. I am not asking you anything as to the subpoena, I am asking you now when is the first time you ever told any representative of any Government agency that Bridges had told you that he was a Communist? Last night? A. Yes.

Q. Now, have you ever been approached prior to last night with respect to testifying in this case or in any case against Bridges?

A. Yes; I was approached here last fall by a couple of men from the FBI.

Q. Did they seek information from you?

A. Yes; they asked me to testify against Bridges.

Q. Well, did they ask you questions?

A. No.

Q. They asked you no questions at all?

A. They asked me lots of stuff and I told them "I don't know; I don't want to testify. I don't want nothing to do with it."

Q. Well, what did they ask you?

A. They didn't get the chance to ask me because I said "I want nothing to do with you."

Q. How long were they with you?

(Testimony of Harry Lundeborg.)

A. Oh, I would say about half an hour or so.

Q. Well, during that half hour they asked you some questions, didn't they?

A. Yes, they shot questions at me but I didn't —they [7089] didn't get any answers.

Q. You didn't answer any questions of any kind? A. I says "I don't know."

Q. What questions did they ask you, Mr. Lundeborg?

Mr. Del Guercio: If your Honor please, the witness has already testified that he didn't answer any questions. What difference does it make?

Mr. Gladstein: No; he has just testified—

Presiding Inspector: I think it might have some significance. I will take it.

A. They asked me if I wanted to testify in the Bridges trial and I says "No."

By Mr. Gladstein:

Q. Well, that didn't take half an hour. What else did they ask you?

A. Maybe it was twenty-five minutes; I don't know.

Q. Well, didn't they ask you whether you had any information as to whether Bridges was a Communist?

A. I don't know what they asked me. They asked me if I would testify. I told them "No."

Q. Did they ask you whether you would testify before they asked you if you had any information as to whether Bridges was a Communist?

(Testimony of Harry Lundeberg.)

A. They asked me whether I wanted to testify and I said "No." They kept on asking the same thing. I said "No." [7090] And I didn't give them any information and they left me in disgust.

Q. Mr. Lundeberg, do you mean to testify that for twenty-five minutes or half an hour some FBI Agents kept asking you just the question, "Do you want to testify?" And that you kept saying "No", and that there were no questions directed to you asking for information as to whether Bridges was a Communist?

A. Well, you know in twenty-five minutes you can waste a lot of time. See, first of all when people talk to me I want to know who they are, see; they have got to produce the stuff. And I asked them a lot of questions, see, so I didn't give them a chance to ask me so much, see.

Q. Well, now, will you please answer this: Did the FBI Agents ask you to testify against Harry Bridges before they asked you what information you had or might have that would prove Bridges was a Communist?

The Witness: Will you repeat that again?

Mr. Gladstein: Certainly. Read it.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. They asked me if I had any information and I says "No." Then, they asked me whether I wanted to testify at the Bridges' trial and I said

(Testimony of Harry Lundeberg.)

"No". Whether I said that before or after I couldn't tell you. It is pretty hard to remember. [7091]

By Mr. Gladstein:

Q. Let's see if I have this straight, Mr. Lundeberg. The two FBI agents asked—

Mr. Del Guercio: (Interposing) He has the testimony of the witness. It isn't necessary—whether or not Mr. Gladstein has it. He can read it from the record.

Mr. Gladstein: That was simply—

Presiding Inspector: That is preliminary.

Mr. Gladstein: (Continuing) — an expression; yes.

By Mr. Gladstein:

Q. Did the FBI men ask you if you had information that would prove Bridges was a Communist, and did you then say "No," and did they then ask you to testify against Bridges, is that the way it happened?

A. I don't remember if they asked me one question first or afterward.

Q. It might have happened that way?

A. Might and might not.

Q. Did either they, or you, mention this meeting, or this supper at Bridges' house?

A. No.

Q. Is last night the first time that this was mentioned in any discussion between you and a

(Testimony of Harry Lundeberg.)

representative of the Government, or any branch of it? A. That is right. [7092]

Q. When was the next time—withdraw that. You say these FBI agents came to you some time last fall? A. Yes.

Q. Can you fix the date, approximately?

A. Oh, it is pretty hard to—I can't say for sure what month it was. It was prior to the New Year; I know that.

Q. Was that the first time that any representative of that department of the Government approached you on the question of information concerning Harry Bridges?

A. Well, when they had this Angel Island trial the guy running the show over there asked me to testify.

Q. When was that?

A. When was it, was it a year or two years ago?

Q. With relationship to the hearing itself, how long before, Mr. Lundeberg, or was it during or afterward? A. It was during the hearing.

Q. When during the hearing, do you recall?

A. I can't recall.

Q. And who was it that saw you then, do you know?

A. Well, I think it was a guy by the name of Shoemaker or "Shoemacher"—or something like that.

Q. Was that the first time, Mr. Lundeberg, when you talked to Mr. Shoemaker during the

(Testimony of Harry Lundeberg.)

previous deportation proceeding, that you have ever been approached by any representative of any branch of the Government concerning information on Bridges? [7093] A. That is right.

Q. That is the very first time?

A. That is right.

Q. You weren't approached the previous year?

A. No.

Q. Where did you meet with Mr. Shoemaker, do you recall?

A. He came down to the office.

Q. And who else was with him, if anybody?

A. Well, I think he had another man with him. I don't know what his name was.

Q. How long were they with you?

A. Oh, I don't remember exactly how many minutes. They were there for a little while.

Q. Did they take a statement from you?

A. No.

Q. Did you have a discussion?

A. They asked me if I would testify in the Bridges trial at Angel Island and I said "No."

Q. Was that the first thing they asked—

A. (Interposing) Yes.

Q. (Continuing) —before they asked whether you had any information that would help them, is that correct? A. Yes.

Q. And in that discussion neither you nor they mentioned this supper meeting with Mr. Darcy at Mr. Bridges' house, is that correct? [7094]

A. Absolutely correct.

(Testimony of Harry Lundeberg.)

Q. Now, when was the next time, after meeting with Mr. Shoemaker, the one that you have just given, or was there any before that?

A. After meeting with Mr. Shoemaker they didn't bother me any more until the FBI agents came after me last fall.

Q. All right. Now, since the meeting last fall with the FBI agents—by the way, do you recall their names? A. One was Devereau.

Q. And the other? A. I don't remember.

Q. When was the next time that you met with any representatives of the Government?

A. The next time was when I was called up to the FBI office here about a month or six weeks ago by Mr. Schofield and Mr. Del Guercio. I was called up during the meeting of the Sailors Union on Monday night.

Q. How were you called? A. By phone.

Q. Who spoke to you?

A. I think Mr. Devereau; the same man.

Q. What did he ask you to do?

A. He asked me to come up there.

Q. To the FBI offices?

A. That is right. [7095]

Q. And did you go?

A. I went up there with the Assistant Secretary of the Sailors Union, Mr. Prevost.

Q. What took place there?

A. Well, they asked me to testify again.

Q. Was that the first question they asked you?

A. Oh, I don't remember that.

(Testimony of Harry Lundeborg.)

Q. Did they ask you to testify before they asked you whether you had information and, if so, what your information was concerning Bridges? "Yes" or "No", please. A. I can't remember.

Q. You can't remember that?

A. No; I can't remember either way.

Q. How long were you there that time?

A. Well, we were there for some time.

Q. What is that?

A. I was there for some time. I don't remember exactly how long.

Q. Two hours? A. I don't know; maybe.

Q. Did they take a statement from you?

A. No, they did not.

Q. Were notes taken of your conversation?

A. No.

Q. Are you sure of that? [7096]

A. Absolutely.

Q. Did you answer questions?

A. I answered what they asked me.

Q. What did they ask you about?

A. Oh, they asked me—it was a general conversation about Communism on the waterfront, and so on and so forth, and they were telling me that the Sailors Union—Mr. Schofield was telling me that the Sailors Union of the Pacific is known to be anti-Communist, a fighting outfit, and so forth, and a general conversation. And I was asked if I wouldn't help get rid of the Communists, and so forth.

I answered, "We are doing all we can to get rid of them in our own way."

(Testimony of Harry Lundeberg.)

And then they said, "Wouldn't you like the Government to do so," something along those lines.

I said, "Well, you fight them in your way and we will fight them in our own way. I don't believe in this testifying in any hearing for anybody in a case like that."

Q. What did they ask you to do, or to say, Mr. Lundeberg?

A. They didn't ask me to say anything. It was just a general conversation, and they asked me if I would testify.

Q. What did you say? A. I said "No."

Q. Was the Darcy meeting at Mr. Bridges' house mentioned by anybody on that occasion? [7097]

A. No.

Q. Now, did they ask you whether you had ever been a Communist?

A. No, I don't think so. They might have asked me. I don't remember all the details.

Q. Who were the other people who were present — name all who were present?

A. Well, I can name Mr. Schofield and Mr. Del Guercio. The other ones I might name if I see them.

Q. How many were there all together?

A. I think it was four. I know Mr. Devereau was there because I met him before.

Q. Was Mr. Connelley there?

A. I think that was the name. I can tell you if I see the man.

Q. What time of the day was it?

(Testimony of Harry Lundeborg.)

A. After the Sailors Union meeting at night.

Q. What time?

A. I would say around ten o'clock at night.

Q. How long did the discussion last?

A. Oh, I can't recollect exactly. We were there for some time.

Q. What is that?

A. We were there for some time.

Q. Until after midnight?

A. Possibly [7098]

Q. What did they ask you with respect to Bridges?

A. Well, they asked me if I knew anything about him. I said "No."

Q. When was the next time that you saw any representatives of the Government?

A. Last night.

Q. How did you happen to see Mr. Del Guercio last night?

A. Because I, myself, went up and saw him. I had two subpoenas issued against me, one in San Francisco and one in San Pedro, and I was told in San Pedro if I didn't appear here that I will get slapped into jail for contempt. I sent Mr. Del Guercio a wire asking him to get an extension and I would contact him as soon as I got to Frisco. And I received a wire back saying the extension was granted. And as soon as I got into Frisco, and after the Sailors' meeting was over, I went up to see him.

Q. Who was present last night when you saw Mr. Del Guercio?

A. Mr. Devereau.

(Testimony of Harry Lundeborg.)

Q. Anybody else? A. No.

Q. Was a statement taken from you at that time?

A. No; no statement was taken.

Q. Were notes taken?

A. Well, maybe they took notes; but no statement. [7099]

Q. Did you see anybody taking notes, or what appeared to be notes, of your conversation?

A. No. They asked me a lot of questions, but didn't take any notes to my knowledge.

Q. How long were you there?

A. Oh, I would say about half an hour.

Q. What did they ask you last night?

A. Well, they first of all asked me why I was running around the country dodging subpoenas, and if I thought I could get by with playing around with the United States Government and not answer.

I told them that I intended to be there. I had to leave town on account of urgent business in San Pedro and that was why I did not appear the first time.

So they told me, "All right. You have got to go and testify tomorrow or else you might get into trouble with the law," which I know myself.

I said, "I will be there at ten o'clock in the morning."

They asked me about, did I know that Mr. Melnikow had accused the Sailors Union of sabotage. I said I read it in the paper, and I said it was a lie.

They asked me about the connection of the MWIU and the Sailors Union of the Pacific.

(Testimony of Harry Lundeberg.)

They asked me if I knew Bridges, and I answered.

Then I left and said, "See you in the morning."

[7100]

Q. That is all that took place?

A. That is all.

Q. Did they tell you about this Darcy meeting at Bridges' house?

A. They asked me all the questions and told me to tell the truth.

Q. Did they ask you about this meeting at Bridges' house?

A. No, they didn't ask about the Darcy meeting.

Q. Did you tell them about it?

A. Yes. I told them about it. They told me to tell the truth and that is what I am going to do.

Q. What did they ask you?

A. They asked if I knew Bridges, where I met him, what place, and so forth, and if I mixed with him socially, if I had been to his house, or anything like that. Naturally, I told the truth. I am not going to tell the Government a lie, am I?

Q. Did they tell you about this meeting at Bridges' house?

A. No; they didn't know anything about it. Most of the questions were around the MW and the Sailors Union of the Pacific. They asked me how many members the MWIU had on the Pacific Coast during the '34 strike. I told them. I said, "I think the most they had on the Pacific Coast was 500 active [7101] seamen. The rest was cherry pickers."

(Testimony of Harry Lundeborg.)

Q. Now, what you testified to concerning Bridges in New Orleans, his record, which you characterized as, in your opinion that it stinks, what documents, if any, was that opinion of yours, or those expressions, based on?

A. I looked at—I went and looked at the Shipping Commissioner's records. You can always go to the Shipping Commissioner and look back to the records.

Q. When did you do that?

A. Well, that was for my own information.

Q. When did you do it?

A. I did it a long time ago. I done it for my own information.

Q. When?

A. People told me he was scabbing in 1921 and I wanted to find out.

Q. When did you go there?

A. A long time ago.

Q. Don't you know whether it was this year, last year, or five years ago?

A. Years ago.

Q. When?

A. A couple or three years ago, I guess.

Q. Where did you go?

A. I went down to the Commissioner here, U. S. Commis- [7102] sioner, Shipping Commissioner, in San Francisco to look it up. I didn't tell him I was looking for Bridges' record. I went in to check up on something and I sneaked in and looked at it.

Q. Did you tell him what you were looking for?

A. I forgot even what I told him.

(Testimony of Harry Lundeberg.)

Q. What did you look for?

A. I was looking for Bridges' record.

Q. What kind of records do they have there?

A. They have the articles of ships, and all that stuff, their voyages, voyages of the ships, and so forth.

Q. As to the end of the voyage, articles to the end of the voyage? A. Sure.

Q. In San Francisco? A. Yes, sir.

Q. With respect to a 1921 voyage in New Orleans?

A. Yes. The voyage terminated in San Francisco.

Q. Did you see whether or not the records showed there if the men were paid off?

A. I don't remember. All I remember is the signing on for 25 cents a month.

Q. Was that before or after the ship sailed?

A. Well, you can check with the Commissioner. I know he signed at 25 cents a month.

Q. All that you said was based on what these records show, your recollection of what they show, is that right? [7103] A. Yes.

Mr. Gladstein: You will recall, your Honor, we raised the question of the records being the best evidence of this, and now it appears that the witness' entire testimony on that particular—

Presiding Inspector: It is only collateral. What difference does it make? The strict rule is to the integration of the best evidence rule. The matter being in a record isn't applied as strictly on a col-

(Testimony of Harry Lundeberg.)

lateral matter. Furthermore, we are not confined to the rules anyway.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Have you ever told any union meeting, or anybody, that you have been a member of the IWW?

A. I never told any union meeting I was a member of the IWW.

Q. Have you ever told anybody that you have been a member of the IWW?

A. I have never told anybody I was a member of the IWW. If I was a member of the IWW, you don't have to be afraid, for I wouldn't hide behind a smoke screen and not say so.

Q. Have you ever told anybody at all, to your recollection, that you were a member?

A. No; I have never told anybody I was a member of the IWW. If I was I would tell the world about it. [7104]

Q. Did you ever sign a card to become a member?

A. Of the IWW?

Q. Yes. A. No.

Q. You say the first time you met Bridges was in Seattle in 1934? A. Right.

Q. At the Marine Council? A. Yes.

Q. And you say that you were a member of the Strike Committee at that time?

A. No, I didn't say that. The Marine Council was formed after the strike. This was in December, 1934, I believe, to the best of my knowledge.

(Testimony of Harry Lundeborg.)

Q. Well, is that—

A. (Interposing) I was a member of the Seattle Strike Committee of the Sailors Union of the Pacific.

Q. During the waterfront strike of '34 you were a member of the Strike Committee? A. Yes.

Q. Of the Sailors Union? A. Yes.

Q. When did you go on strike?

A. I went on strike—I was on the steam schooner James Griffith out in the bay here, and we got in on May 30. I [7105] was the Third Mate and I took them off.

Q. What was the ship's name?

A. James Griffith.

Q. What is your best recollection, Mr. Lundeborg, as to the date when you first met Bridges?

A. Well, I believe that the first time I met him, as I stated before, was up in Seattle in December, around in the fall of the year, in the Marine Council.

Q. It was December, or earlier in December?

A. I can't say for sure. It was at a meeting of the Marine Council up in Seattle.

Presiding Inspector: It was in '34?

The Witness: In '34; yes.

By Mr. Gladstein:

Q. Are you sure it was in 1934? A. Yes.

Mr. Gladstein: May we have our noon recess?

Presiding Inspector: I thought you might be able to close.

Mr. Gladstein: I think there are other questions I would like to give consideration to.

(Testimony of Harry Lundeberg.)

Mr. Del Guereio: Before we adjourn I would like to ask if Mr. Cannalunga is needed any longer.

Presiding Inspector: Do you want him?

Mr. Grossman: We have this problem: The letters, as [7106] we thought, make it necessary for us to ask a minimum of questions. But we have some information, which we reasonably expect, and we have tried to get it here before, but which we reasonably expect will be here the first thing tomorrow morning. That will enable us to ask some further questions. We did our best to get it here before. We can't ask those questions at this time because it isn't in such form, until we get the written documents, and we think they will be here in the morning. Therefore, since he has waited this long, and since we want to ask those questions tomorrow morning, we ask that he remain over, and any expense involved we are perfectly willing to meet; which we think is reasonable considering the fact that he has remained this long, and there is nothing, so far as we know, nothing pressing, requiring his attendance elsewhere.

Presiding Inspector: How long will the matter take?

Mr. Grossman: We won't have many questions.

Presiding Inspector: Are you sure?

Mr. Grossman: Yes. We will be prepared as well as possible by tomorrow morning.

Presiding Inspector: I am in hopes that we may close the hearing tomorrow.

Mr. Grossman: In any event, we will be prepared on this tomorrow morning.

(Testimony of Harry Lundeborg.)

Presiding Inspector: I think he had better stay.

We will take a recess:

(Whereupon, at 12:34 p.m. a recess was taken until 2:00 p.m. of the same date.) [7107]

After Recess

2:00 o'clock P.M.

HARRY LUNDEBERG

called as witness in rebuttal on behalf of the Government, having been previously duly sworn, testified further as follows:

Presiding Inspector: You continue under oath.

The Witness: Yes.

Cross Examination (Resumed)

By Mr. Gladstein:

Q. Mr. Lundeborg, have you ever been convicted of any crime?

A. Not of any crime.

Q. Have you ever been convicted of anything?

A. Well, I was in jail for riotous—

The Reporter: (Interposing) I didn't catch the last of it?

A. (Continuing) I was in jail for riotous behavior in Australia during a strike.

Presiding Inspector: "For riotous behavior in Australia during a strike," he said.

(Testimony of Harry Lundeborg.)

By Mr. Gladstein:

Q. What year was that?

A. It was in the early part of '23 or the latter part of '22.

Q. In connection with what strike? [7108]

A. We struck a couple of German ships coming down on account of scab wages, and we tried to force union wages on them.

Q. Where did the strike occur?

A. In the Port of Newcastle, New South Wales.

Q. What part of 1923 was that?

A. It was in the early part of it, of 1923.

Q. What other arrests—

Mr. Del Guercio: (Interposing) What, felonies or arrests?

Presiding Inspector: I don't know. I don't suppose it makes much difference. It is riotous behavior. We don't know whether they have any such classification in New South Wales.

By Mr. Gladstein:

Q. I will ask this question: What were you charged with that time, Mr. Lundeborg?

A. I was charged with beating up a German Skipper.

Q. Do you recall what the exact charge was?

A. Fighting.

Q. What? A. Assault, I guess.

Q. Was there a trial? A. Yes.

Q. Were you convicted? [7109] A. Yes.

Q. What was the sentence?

(Testimony of Harry Lundeborg.)

A. Three months. I didn't serve three months; they let me out afterwards.

Q. Have you been arrested on any other occasion? A. I was arrested in London.

Q. I didn't hear you.

Presiding Inspector: "Arrested in London," the witness said.

By Mr. Gladstein:

Q. What was the charge?

A. Fighting scabs.

Q. Was that the charge? A. Yes.

Q. You mean that you were arraigned and the charge against you was fighting scabs?

Mr. Del Guercio: If your Honor please, the witness has answered it. He said he was fighting scabs. Mr. Gladstein knows that the witness said that. It isn't necessary to repeat it.

Presiding Inspector: That is a mere description, I suppose. I don't suppose it is a crime, under the English law, for fighting scabs. It may be.

By Mr. Gladstein:

Q. What was the charge, Mr. Lundeborg? [7110]

A. Well, it was during the——

Q. (Interposing) What was the charge?

Presiding Inspector: What did they charge you with? A. They charged me with fighting.

Mr. Del Guercio: I think we can properly exclude all of this line of inquiry here concerning these arrests and confine it to the question of whether he ever has been convicted of a felony.

(Testimony of Harry Lundeberg.)

Presiding Inspector: I know, but that hasn't been the plan under which either side has proceeded in this case.

By Mr. Gladstein:

Q. When did this arrest occur?

A. That occurred in London during the seamen's strike; the American seamen's strike and the European seamen's strike.

Q. What year, please? A. 1921.

Q. What part of 1921?

A. Well, that was—I was paid off in London from a three masted bark on the 8th of May in London, 1921; and I was on the beach in London during the American seamen's strike, and the Norwegian seamen's strike, and during the Swedish seamen's strike, and there was more or less a seamen's strike all over the world at the time.

Q. When did this arrest occur?

A. It occurred on the West India— [7111]

The Reporter: Will you repeat the last of the answer?

A. It occurred on the West India Dock Road.

By Mr. Gladstein:

Q. When? A. 1921.

Q. What happened in that case?

A. Well, I was bailed out and got out of it. I was only in a couple of days.

Q. Have you ever been arrested on any other occasion?

(Testimony of Harry Lundeborg.)

A. I have been arrested in Bahia Blanca, South America, Argentina.

Q. What were you arrested for?

A. I had trouble with a Skipper. There was a fight between the crew on the dock and I was tossed in the bucket for a while.

Q. What were you tossed in the bucket for?

A. For fighting. I was complaining about food aboard ship, and was fighting for better conditions, and we finally had it out on the dock, and the Skipper had a warrant for me and a couple of other fellows and they put us in the jail.

Q. What did the warrant charge you with?

A. The warrant charged—I don't know what the warrant charged us with. I know they tossed us in jail.

Q. How long were you in jail?

A. For fourteen days.

Q. Have you ever been arrested on any other occasion? [7112]

A. Yes, once more and in Seattle.

Q. When was that?

A. Oh, that was around 1927 or 1928, for a fight up in Belltown. I was on a sailing ship.

Q. What were you charged with?

A. Fighting.

Q. Were you convicted?

A. No. They let me out. I paid my fine and got out of there.

Q. You paid your what? A. Fine.

Q. Of how much? A. \$10.00.

(Testimony of Harry Lundeborg.)

Q. Then you were convicted and sentenced to pay a fine, is that right?

A. No. I paid—I didn't even go to court. I paid \$10.00 and got out of there the next morning.

Q. Have you listed all the times you have been arrested or convicted of any misdemeanor or crime of any kind, or charge of any kind?

A. Well, that is all the times I have been arrested. You have got it all there now—whether you call it crimes or not—it was fighting.

Q. Now, did you ever meet with Sam Darcy at any time after this date in 1935? [7113]

A. No; not that I remember.

Q. That is the only time you saw him?

A. Yes.

Q. You were asked this morning by Mr. Del Guercio about this meeting that you say lasted about five hours at an address on Market Street, where you saw a Mr. Hanoff, a Mr. Lambert, and Mr. Johnston, and some others were present. Did you have that in mind?

A. Yes; I remember it.

Q. Now, I am interested in this question: How long after you were in Bridges' house did this Market Street meeting occur?

A. I don't remember.

Q. Approximately?

A. It is pretty hard to tell because I was in and out at that time all the time.

Q. Which one occurred first?

(Testimony of Harry Lundeberg.)

A. To my knowledge the meeting in Bridges' house when I had dinner with him occurred first.

Q. How long before?

Presiding Inspector: Speak louder.

A. I can't remember how long before or how long afterward.

By Mr. Gladstein:

Q. With respect to the City Elections that were taking [7114] place, or were about to take place, at what part of the campaign, or the elections, would you place that meeting on Market Street?

A. I can't remember.

Q. Can you fix it with respect to the tanker strike in 1935? You are familiar with when that took place, are you not, Mr. Lundeberg?

A. The tanker strike took place from March 10 or 11, and was concluded in June.

Q. All right. With respect to that tanker strike would you say that this Market Street meeting occurred some time during the strike, or some time before, or some time after?

A. Really, I couldn't tell you for sure what time it did happen.

Presiding Inspector: Your best recollection.

A. I can't remember.

—Presiding Inspector: You haven't any recollection?

The Witness: No.

By Mr. Gladstein:

Q. Well, you remember when the Voice of the Federation began, don't you? A. Yes.

(Testimony of Harry Lundeberg.)

Q. When did it begin?

A. It began around May or June, I guess.

Q. Of 1935? A. Yes. [7115]

Q. All right. With respect to the beginning of that paper, did this Market Street meeting occur before or after?

A. It must have occurred after, I suppose.

Q. How long after?

A. I don't remember exactly.

Q. What makes you suppose that it was after? Do you have any recollection of it at all?

A. "I have a very good recollection of the meeting, but I can't remember the date and the time it was. I know it was in '35.

Q. Do you remember when Mr. Scharrenberg was expelled? You talked about that today?

A. Yes.

Q. Do you remember when it was?

A. I was on the Trial Committee.

Q. Do you recall when it occurred?

A. In 1935.

Q. When in 1935?

A. I can't remember the day and the date, but we can find out from the Sailors' record.

Q. Did the Market Street meeting occur before or after the expulsion of Mr. Scharrenberg?

A. I can't remember.

Q. Can you remember any activity, any trade union [7116] activity, or other activity, in which you took a particular interest which was going on at the time that you had this Market Street meeting, or just

(Testimony of Harry Lundeborg.)

before or just after, in order to enable you to fix the approximate date of that meeting?

A. No. I can't remember any particular activity because there was a lot of activity in those days.

Q. What were you doing in San Francisco at that time?

A. I was down here as head of the Maritime Federation.

Q. Were your offices here?

A. No. My office was anywhere I happened to be on the coast.

Q. Wasn't there a central headquarters of some kind?

A. There was an office in Seattle and the central headquarters was at No. 24 California Street, San Francisco.

Q. And you have a distinct recollection that you were in San Francisco at that period in connection with the Maritime Federation of the Pacific business?

A. Yes, sir; I was in San Francisco on Maritime Federation business. We had—a tanker strike was going on and various other matters.

Q. Was the tanker strike going on while this Market,—when this Market Street meeting occurred?

A. I couldn't remember the date and the time of that. [7117]

Q. Do you know who the two other people were who were at that meeting?

A. I can't remember.

(Testimony of Harry Lundeberg.)

Q. Can you describe them in any way?

A. No.

Q. Can you state whether they were trade unionists or had trade union connections of any kind?

A. No; I believe they were Commissars; they were all Commissars.

Presiding Inspector: "Commissars", he said.

The Witness: Or would-be Commissars.

Presiding Inspector: That is what you call them?

The Witness: Yes.

By Mr. Gladstein:

Q. You have testified that the time that you had supper in Bridges' house was after he had got out of the hospital in 1935. That is correct, isn't it?

A. Yes, I am sure it was after.

Q. Do you recall how soon after he got out that supper occurred?

A. I can't recall.

Q. Do you recall whether Bridges was convalescing at his home at that time?

A. Not that I remember; I am not quite sure.

Q. Do you remember there was a big parade in July of [7118] that year, Mr. Lundeberg, on July 5th to commemorate the events of "Bloody Thursday" of the previous year? You recall that, don't you?

A. Yes, sir.

Q. All right. Now, was this meeting at Mr. Bridges' house prior to that parade or afterwards?

A. I can't remember, as I told you whether it was before or after the tanker strike or before or after the fifth of July.

(Testimony of Harry Lundeberg.)

Q. Have you ever been called a Communist?

A. They have called me anything that they can print in the paper, from a Communist—

Q. (Interposing): I say have you ever been called a Communist?

A. Well, the San Francisco Chronicle called me a Communist one time.

Q. Did Scharrenberg call you a Communist?

A. Well, he is bound to call me anything, that guy.

Q. Did Forsythe ever call you a Communist?

A. No, he did not.

Q. Did Clyde Deal ever call you a Communist?

A. Clyde Deal?

Q. Yes.

A. He didn't get near enough to call me anything.

Q. Do you know whether he ever called you a Communist [7119] or not?

A. To my knowledge I don't know. He probably did, though, because I was fighting him all the time.

Q. Now, I want to direct your attention for a moment to this meeting that you had with Mr. Schomaker and someone else from the Immigration Department during the last Bridges trial. That was in 1939, Mr. Lundeberg. As I understand it, they were in your office?

A. They came down to the office, yes.

Q. They wanted you to testify against Bridges?

A. Yes, sir.

Q. And at that time they asked you some questions, is that correct?

(Testimony of Harry Lundeberg.)

A. They asked me if I knew anything about Bridges. I says "No."

Q. Well, when they asked you if you knew anything about Bridges they asked you, did they not, if you had any information that would tend to show that Bridges was or had ever been a member of the Communist Party; isn't that correct?

A. I don't remember them asking me that question whatsoever.

Q. Substantially wouldn't that be correct, Mr. Lundeberg?

A. That might be correct, yes.

Q. And that is the kind of question, or those were the kinds of questions to which you gave the answer "I don't [7120] know," is that correct?

A. That is right.

Q. Did the same thing, or substantially the same thing occur about six weeks ago when you were meeting in the offices of the—

Mr. Del Guercio: (Interposing) We have been all over that. We are not going over the same thing again.

Presiding Inspector: I don't know that Mr. Gladstein has been over it in any detail.

Mr. Gladstein: I haven't, your Honor.

Presiding Inspector: I will allow it.

By Mr. Gladstein:

Q. Did sustantially the same thing occur, Mr. Lundeberg, at the meeting you had about six weeks ago in the FBI offices? A. That is right.

Q. Now, Mr. Lundeberg, do you feel that the

(Testimony of Harry Lundeberg.)

labor movement would be better off without Harry Bridges?

Mr. Del Guercio: If your Honor please, I object to that.

Presiding Inspector: I will take it on the basis of bias.

Mr. Del Guercio: What?

Presiding Inspector: I will take it on the basis of bias.

Mr. Del Guercio: Well, I am quite sure I know what this witness' answer is, and I know what my answer would be, and I [7121] know what everybody else's answer would be.

Mr. Gladstein: I move that counsel's statement be stricken from the record as improper.

Presiding Inspector: It doesn't amount to anything.

Mr. Gladstein: I realize it doesn't amount to anything but it is improper nevertheless.

Presiding Inspector: Go ahead.

The Witness: Answer it?

Presiding Inspector: Yes.

The Witness: I have to?

Presiding Inspector: Yes.

A. I say the trade union movement would be better off without him.

Mr. Gladstein: No further questions.

Presiding Inspector: Anything further?

Mr. Del Guercio: Just a few questions.

(Testimony of Harry Lundeborg.)

Redirect Examination

By Mr. Del Guercio:

Q. Mr. Lundeborg, did your union or your unions take any action with regard to your appearing here to testify today?

Mr. Gladstein: Object to that as immaterial.

Presiding Inspector: Sustained; it is immaterial.

Mr. Del Guercio: If the Court please, counsel has gone into the motives of this witness appearing here to testify. [7122]

Presiding Inspector: We don't care about the motives of other people.

Mr. Del Guercio: Sir?

Presiding Inspector: We don't care about the motives of other people.

Mr. Del Guercio: They are not the motives. It is what induced Mr. Lundeborg to appear here and testify today as he has.

Presiding Inspector: I don't think he needs any apology for appearing here.

Mr. Del Guercio: Not that he needs it, but I think the witness has a right to answer that question.

Presiding Inspector: No, I don't see that it is material. I will exclude it. I think you have had him here and he has given his testimony.

Mr. Del Guercio: That is true. We are very glad to have him here.

Presiding Inspector: No reason why he

(Testimony of Harry Lundeborg.)

shouldn't, that I can see. He doesn't need any apology for doing it.

By Mr. Del Guercio:

Q. Well, now, with reference to this 1934 strike, Mr. Lundeborg, was there a strongly organized Seamen's Union at that time?

A. It was not very strong, but there was one union that was functioning and organized on the coast; that is the Sailors [7123] Union of the Pacific.

Q. Sailors Union of the Pacific? A. Yes.

Q. Now, what was the Sailors Union of the Pacific membership with regard to the Marine Workers Industrial Union?

A. Well, the Sailors Union of the Pacific had 1600 members, active members in 1934. The Marine Workers Industrial Union had approximately 500 members on the whole coastwise scale, including firemen, cooks, stewards, longshoremen, what have you. That is about all they had, if they had that many.

Mr. Del Guercio: That is all.

Mr. Gladstein: Just a moment.

Recross Examination

By Mr. Gladstein:

Q. What records are you relying on for the statement you have just made that the SUP had 1600 members in 1934?

A. The records of the Sailors Union.

Q. And what part of the strike are you referring to?

A. The beginning of the strike, prior to the strike.

(Testimony of Harry Lundeberg.)

Q. That the SUP had 1600 members in good standing?

A. That is right, on a coastwise scale.

Q. That is, you say, based on the records of your organization?

A. That is right. [7124]

Q. Are they available?

A. Oh, yes.

Q. Do you have any objection to having them examined?

A. None whatsoever.

Q. Now, what kind of records are you referring to?

A. I am referring to the dues cards and so forth.

Q. Dues payments?

A. Yes, sir.

Q. All right. So you are saying in effect—I want to have this straight—that your records in the SUP will show that at the beginning of the 1934 strike and prior, just prior to it, the SUP had 1600 dues-paying members on the Pacific Coast?

A. That is right.

Q. Now, what do you base your statement on that the MWIU had only 500 members?

A. By asking one of the officials of the MWIU who was active at that time.

Q. Who is that?

A. Mr. Harry Prevost.

Q. And what did he tell you?

A. He told me that if they had 500 members that was tops.

Q. When did you ask him that?

A. I asked him that a long time ago; we discussed the MWIU and the Sailors Union of the Pacific. [7125]

(Testimony of Harry Lundeborg.)

Mr. Gladstein: I would like to ask one more question which should have been asked on cross rather than on re-cross.

Presiding Inspector: All right.

By Mr. Gladstein:

Q. At the time that you were in Bridges' house did he seem to be sick or was he completely recovered to your observation from his spell in the hospital, Mr. Lundeborg?

A. He didn't seem to be sick—I don't remember—but he was not sick; he was not lying down.

Q. Well, he had been sufficiently well so that he could invite you to that supper when he met you down town; is that correct? A. Yes, he was.

Q. So he was moving around and engaging again in normal activities at the time that this supper was held; correct? A. Possible.

Q. Well, what is your best recollection?

A. Well, the man was not laying down in bed; that is all I can tell you. He was on his feet and he sat down at the table eating.

Mr. Gladstein: Now, your Honor, I would like an opportunity to examine the records to which the witness has just made reference.

Presiding Inspector: He said that it was available to him. [7126] You can arrange it with him.

Mr. Gladstein: Yes, I will do that. And also there is something further which may require brief cross examination of the witness on another subject; it may not. We will not have this information until tomorrow so I would like this understood, if we

(Testimony of Harry Lundeberg.)

may have it, the witness can be excused. We will ask that the witness be excused with the understanding that he is still under the subpoena of this court and that upon telephonic request from us he will agree to appear again tomorrow for further examination. And as to this other question of the records, I suppose that—

Mr. Del Guercio: (Interposing) Let's take one matter up at the time, if your Honor please, so there won't be any confusion.

Now, on the matter of his appearing again I object to that for a number of reasons. Mr. Lundeberg here is a local man, well known in labor circles.

Presiding Inspector: Oh, it is quite customary.

Mr. Del Guercio: Counsel here has had every opportunity to prepare for this examination here. There is no excuse or no reason for any delay or for recalling him. He is here. We presented him. They have their opportunity to cross-examine him now, and they have had full opportunity.

Presiding Inspector: Still, I think it is very usual to arrange that witnesses remain through a hearing. This [7127] man is a local man, as I understand it.

You live here?

The Witness: Well, I live any place but this is the headquarters.

Presiding Inspector: Yes, this is your headquarters?

The Witness: Yes, sir.

(Testimony of Harry Lundeborg.)

Presiding Inspector: You are going to be here until tomorrow anyway, aren't you?

The Witness: I expect to.

Presiding Inspector: Well, we will let it go that way. You come if you are phoned to. The subpoena holds over.

Mr. Del Guercio: If there is any communication it should come from the Court, I believe, rather than from——

Presiding Inspector: I will call him.

Mr. Gladstein: I was only going to accommodate the witness. I was going to agree to do this: To agree to call him before ten o'clock if we do not need him so it will save him a trip down here, but if the Government objects, of course, we won't do it.

Mr. Del Guercio: I don't know if the witness has any objection.

The Witness: It is all right with me. Whose voice am I supposed to listen to, you or someone else's?

Mr. Del Guercio: You are not supposed to listen to his voice. [7128]

Presiding Inspector: Let the witness come here tomorrow morning unless Mr. Gladstein releases him by telephone before 10:00 o'clock or before 9:30 o'clock.

Mr. Grossman: Are you staying at the Sailor's Union Hall?

The Witness: Yes.

Presiding Inspector: You stay there until the time to come down here.

(Testimony of Harry Lundeborg.)

Mr. Gladstein: As to those records will you make those available late this afternoon?

Presiding Inspector: You can arrange that off the stand.

Call the next witness.

Mr. Gladstein: Will you be in your office by 4:30?

Presiding Inspector: I think I heard that, Mr. Gladstein. Better make it a little later. You said 4:30. We might run along here this afternoon.

These arrangements need not be on the record.

(Discussion outside the record.)

(Witness temporarily excused.)

Presiding Inspector: Call your next witness.

Mr. Del Guercio: We have called him.

LEE BARLOW

called as a witness in rebuttal for and on behalf of the Government, being first duly sworn, testified as follows:

Presiding Inspector: Give your full name and address to [7129] the reporter.

The Witness: Lee Barlow.

The Reporter: Spell it, please.

The Witness: L-e-e B-a-r-l-o-w.

Presiding Inspector: Your address?

The Witness: 111 West Burnside, Portland Oregon.

(Testimony of Lee Barlow.)

Presiding Inspector: Now, speak so all these gentlemen can hear.

Direct Examination

By Mr. Del-Guercio:

Q. Mr. Barlow, did you attend the convention of the Maritime Federation of the Pacific in April, 1935 in Seattle, Washington? A. Yes, I did.

Q. And in what capacity did you attend that convention?

A. A delegate from the Sailor's Union of the Pacific.

Q. And while you were at that convention did you see the Alien, Harry Bridges? A. I did.

Q. And will you state under what circumstances you saw him?

A. Well, I saw him on the convention floor, that is the first time that I had met the man. during the convention, and during that time an issue of Communism came up during the meeting, and afterwards I talked to Bridges outside the convention and Bridges stated to me that the only way that a young fellow could get ahead in the labor movement today was to [7130] join the Communist Party.

Q. Who was present when that conversation occurred?

A. Well, there was quite a few around there. The only one I could remember for sure is my dad; he was there.

Q. What is your father's name?

(Testimony of Lee Barlow.)

A. John Barlow.

Mr. Del Guercio: You may cross examine.

. Cross Examination

By Mr. Grossman:

Q. How long have you been a member of any union, Mr. Barlow?

A. I joined the SUP in 1931; I have been a member in good standing ever since.

Q. Out of which port did you ship?

A. I started going to sea out of Seattle. Since then I have sailed out of every port on the Coast.

Q. Did you say the first time you had ever met Harry Bridges was during this Federation convention?

A. Before the convention.

Q. How long before the convention?

A. A couple of days, when I came in to town.

Q. How did you happen to meet him?

A. Through Lundeborg.

Q. Well, what happened? How did you happen to meet him?

A. Well, he introduced me to him before the convention, [7131] that was all.

Q. Was it at some kind of a meeting?

A. No, it was no meeting.

Q. What did Mr. Lundeborg say when he introduced you?

A. He said "This is Harry Bridges from San Francisco."

Q. Did you have any discussion at that time?

A. No, I didn't.

Q. When was the next time you saw him?

(Testimony of Lee Barlow.)

A. All during the convention.

Q. Did you sit in any caucuses with Harry Bridges? A. No, I didn't.

Q. Did you sit in any fraction or Communist meetings with Harry Bridges?

A. No, I didn't.

Q. This conversation you referred to about a young fellow getting ahead was held where?

A. Within the Labor Temple in Seattle.

Q. Is that where the convention was held?

A. That is right.

Q. Was it during a session of the convention?

A. No. It was after the day's proceedings, if I remember right.

Q. But after the convention had adjourned?

A. Yes, sir.

Q. Where in the Labor Temple was this conversation? [7132]

A. It was on the stairs leading down to the basement there.

Q. Do you remember whether it was at the top of the stairs or the bottom of the stairs?

A. I don't recall whether it was on the first floor or the main floor.

Q. Were you walking down the stairs at the time the conversation took place?

A. No; we were standing there on the landing.

Q. Had you been discussing something with Bridges before the statement was made?

A. Oh, just discussing the day's proceedings all together there.

(Testimony of Lee Barlow.)

Q. About how many people were there?

A. Well, I couldn't say the exact amount. They were broken up in little groups talking there.

Q. About how many were within three or four or five feet of you?

A. Oh, I would say maybe six or seven; I don't know the exact amount.

Q. Can you name any except your father?

A. No, not to my knowledge, no.

Q. Do you have a hazy recollection of any except your father?

A. No, I don't. [7133]

Q. Did you agree or disagree with Bridges at that convention?

A. I didn't make any comment one way or the other.

Presiding Inspector: No; he means during the convention had you been in general agreement with Bridges or against him or—

The Witness: (Interposing) As a matter of fact, I think that during the convention the long-shoremen and the sailors voted pretty nearly in a block.

By Mr. Grossman:

Q. Was your father a delegate to that convention?

A. No sir, he was not.

Q. How did your father happen to be there?

A. He was attending the convention; they had a gallery there.

Q. Do you recall whether there were any introductions between Bridges or your father or any of these other people there?

(Testimony of Lee Barlow.)

A. That I couldn't say whether there was an introduction; whether my father was introduced to Bridges or not; I don't believe so.

Q. How did this subject come up out of which Bridges made this statement?

A. If my memory serves me right, it came up over the question of the delegate from the Fireman's Union being eligible [7134] to sit in the convention.

Q. Who was that delegate?

A. Walter Stack.

Q. You mean it came up on the convention floor?

A. That is right, the issue.

Q. Now, I am concerned with how this particular statement came up in the convention? I assume this was not the first thing that was said in the conversation, was it?

A. No. If my memory serves me right, the question came up of a beef about Walter Stack being a delegate and being ineligible, and some members of the Firemen's Union accused him of being a member of the Communist Party.

Q. Now, when you were on the stairs with Harry Bridges were you discussing this question of Walter Stack being admitted as a delegate?

A. Yes, that was in the conversation; that is how it started.

Q. Did you express an opinion at that time as to whether Stack should have been admitted as a delegate?

A. No, I did not. It didn't concern me. I was a

(Testimony of Lee Barlow.)

member of the Sailor's Union, not the Firemen's Union.

Q. What position did you take in the convention on that point?

A. It was not a question of the convention taking a position on it. It was his own local union.

[7135]

Q. Did it arise in the convention or not?

A. That is right.

Q. How did it arise in the convention?

A. I don't remember the exact way it came up but it was bounced around the floor.

Q. What action was the convention being asked to take on it?

A. I don't remember whether the convention was asked to take any action on it, but it was brought to the floor of the convention, if my memory serves me right.

Q. Can't you recall whether it was official business in the convention or not?

A. I would have to look the minutes up; that has been six years ago, five years ago.

Q. Your best recollection is, then, that the convention took no official action on this case?

A. That is right.

Q. All right. Now, do you remember anything else about the conversation between you and Bridges and the rest of this group?

A. No, because I left there that day.

Q. I beg your pardon?

A. I left there right after that.

(Testimony of Lee Barlow.)

Q. After what?

A. After I talked to Bridges there for a few minutes. [7136]

Q. I am talking now about the conversation involving Bridges on the stairs. You stated that you discussed in that conversation the question of Walter Stack?

A. Not Walter Stack alone; the Communist Party.

Q. All right. What was said about the Communist Party?

A. I don't remember in full. I think I asked Bridges what he thought about it.

Q. About the Communist Party?

A. That is right.

Q. Do you recall what he answered?

A. I gave my answer already.

Q. That was his answer to your question about what he thought of the Communist Party?

A. That is right.

Q. Do you remember anything else that he said?

A. No, I don't, not exactly, no.

Q. Do you remember whether anything else was said in this conversation?

A. No; that was—I didn't—I wasn't—I didn't leave the convention with Bridges; I was walking out of the convention and, as is generally the style, everybody breaks up and talks together.

Q. Did you ask Bridges whether you should join the Communist Party?

A. No, I did not.

(Testimony of Lee Barlow.)

Q. And be a Communist? [7137]

A. No. I did not.

Q. Now, can you remember any more detail of this statement of Bridges except that he said "The only way for a young fellow to get ahead is to join the Communist Party?"

Presiding Inspector: Isn't that complete in and of itself?

Mr. Grossman: I don't know whether it is or not.

Presiding Inspector: All right.

Mr. Grossman: It might or might not be, your Honor.

Presiding Inspector: Why don't you ask him, then, instead of suggesting there was more.

By Mr. Grossman:

Q. Was there any more detail in his statement than that?

A. Not that I can recall, no.

Q. Do you remember whether the other people in your group were delegates to the convention?

A. Well, most of them that were around there were delegates to the convention.

Q. In your group?

A. I was not with any—

Q. (Interposing) In your group, for example?

A. I was not with any group.

Presiding Inspector: No, he means in the group, a few people. [7138]

The Witness: I would say that they were delegates to the convention, yes.

(Testimony of Lee Barlow.)

By Mr. Grossman:

Q. Now, your father was not a delegate?

A. That is right.

Q. But you are sure that the rest in this small group that were close to you were all delegates?

A. That is right.

Q. You haven't got the least idea who the others were?

A. I don't recall, no.

Q. When was the first time you gave this information that you have just testified to to any representative of the Federal Government?

A. I haven't given any until now.

Q. Not before you testified?

A. No, I haven't. [7139]

Q. When was the first time that you were contacted by any representative of the Federal Government with respect to testifying in this case?

A. In the first Bridges hearing.

Q. Who contacted you and where?

A. Some Immigration official, when I was sailing at the time. I was on a ship at Astoria, Oregon.

Q. Do you know his name?

A. No, I don't remember his name.

Q. Do you know when it was?

A. It was in August, 1938.

Q. 1938 or 1939?

A. Well, I think it was 1939.

Q. Was it during the hearing?

A. Yes.

Q. What did he say to you?

A. He just asked me if I knew anything about Bridges and I said "No."

(Testimony of Lee Barlow.)

Q. Did he ask you whether you knew anything that showed or tended to show that Bridges was a Communist? A. No, he didn't.

Q. Did he just ask you if you knew anything about Bridges? A. Right.

Q. Didn't he limit his question to whether Bridges was [7140] a Communist.

A. No, he didn't. He took me in the post office at Astoria, and my wife sat there during the time he was questioning me; and that is all there was to it.

Q. And your reply was you didn't know anything? A. That is right.

Q. About Bridges? A. Pardon?

Q. Your reply was you didn't know anything about Bridges? A. That is right.

Q. And you knew that he wanted information that would tend to show that Bridges was a Communist, didn't you?

A. That was my opinion; yes.

Q. When was the next time you talked to any representative of the Federal Government with respect to testifying?

A. When I was served with a subpoena.

Q. When was that?

A. It was last Friday.

Q. You are sure that was the first time?

A. That is right.

Q. Where were you served with a subpoena?

A. At my home in Portland, Oregon.

Q. Since then have you had any discussion with

(Testimony of Lee Barlow.)

any representative of the Federal Government with respect to testifying? [7141]

A. Yes. I notified him last night I was in town.

Q. When you were served with a subpoena did you have any discussion with the man who served you, or anyone that was with him, about testifying in this case?

A. No. He was sitting in the lobby when I entered the hotel and I took him up to the room.

Q. Since being served with a subpoena have you discussed with any representative of the Federal Government what testimony you were going to give, or could give against Harry Bridges?

A. I did not.

Q. Have you told anyone at all about this incident that you have just described before coming to court?

A. No, I haven't.

Q. Have you ever discussed this with your father?

A. Yes.

Q. When was the first time?

A. After that happened.

Q. How long after it happened?

A. That night.

Q. And what was said?

A. He told me if I ever joined the Communist Party that he would disown me as his son.

Q. Did you ever have any other discussion with your father about that? [7142]

A. Yes, I did; — not about that subject — but about the subject of Communism.

Q. I am talking about the subject of this conversation.

(Testimony of Lee Barlow.)

A. Not until lately, when we were both served with a subpoena.

Q. Was there any other discussion, when you discussed it with your father for the first time, except what you have related?

A. I have already told you what the discussion was.

Q. Was there anything else? A. No.

Q. After this statement made by Bridges on the stairs, did he leave first, or did you leave first, or did you leave together?

A. I left with my father.

Q. When was the next time that you discussed this conversation with your father?

A. I already told you when we were served with a subpoena.

Q. And what was said at that time?

A. We just discussed this that had happened before; and I told my father, in the event that I was subpoenaed, that I wasn't going to do any time in jail for perjury or anything else.

Q. Who raised the question of perjury? [7143]

A. I did.

Q. How did you happen to raise the question of perjury?

A. I made the statement to my father that I wasn't going to do any time, when I had a subpoena, and that I would answer it.

Q. Did anyone tell you that you would be guilty of perjury if you testified the way you have here? A. No.

(Testimony of Lee Barlow.)

Q. Was there anything else in the discussion between yourself and your father at that time?

A. That is all.

Q. Have you, at any other time, had a discussion with your father about this incident?

A. I have already told you "No."

Q. Now, have you discussed this incident with any other person, at any other time, except those that you have mentioned?

A. I have already answered that — No.

Presiding Inspector: Is that all?

Mr. Grossman: No.

By Mr. Grossman:

Q. Have you ever given any statement, written statement, to the FBI? A. I have not.

Q. Do you know whether your father has?

A. He will have to answer for himself. I don't know.

Q. Do you know whether, at any time that you talked to [7144] the FBI, any notes were taken?

Presiding Inspector: Any what?

Mr. Grossman: Any notes taken?

A. I don't know — I didn't know that I talked to the FBI.

By Mr. Grossman:

Q. At any time when you had contact with any representative of the Federal Government were any notes taken?

A. I didn't have any contact with the Federal Government in any case except the times that I have

(Testimony of Lee Barlow.)

mentioned and to my knowledge there weren't any.

Q. At any of those times were any notes taken?

A. Not to my knowledge.

Q. Do you hold any position in the Sailors Union of the Pacific? A. Yes.

Q. What is your position?

A. I am patrolman in Portland.

Q. Before coming here did you discuss with Harry Lundeberg your testifying?

A. I did not.

Q. Have you ever discussed with Harry Lundeberg this incident that you have described?

A. No.

Q. How long have you held that position in the Sailors Union of the Pacific? [7145]

A. This is the second year.

Q. Pardon? A. This is the second year.

Q. Have you ever been convicted of any crime?

A. No.

Q. Are you a citizen?

A. That is right; I am.

Q. By birth? A. Yes.

Q. Did you have lunch with Harry Bridges?

A. I did.

Q. Did you discuss your possible testimony in this case? A. I did not.

Q. Did you tell Lundeberg why you were — withdraw that. Did you tell Lundeberg at any time what you were going to testify about in this case?

A. No, I didn't.

(Testimony of Lee Barlow.)

Q. Have you ever been a member of the Communist Party? A. I have not.

Q. Have you ever sat in Communist meetings?

A. Yes.

Q. When? A. In Seattle.

Q. How many times? A. Once. [7146]

Q. How did you happen to sit in a Communist meeting?

A. Because they were trying to join me in the Party.

Q. Did you know it was going to be a Communist meeting before you sat in it?

A. I did.

Q. Why did you go?

A. I wanted to see what the layout was like.

Q. Was this before or after this conversation at the Maritime Federation Convention?

A. It was afterwards.

Q. When was it? A. It was in late '35.

Q. Did you sit through the entire Communist meeting?

A. I don't know whether it was a Communist meeting, but lots of them were members of the Communist Party.

Q. Didn't you say you went to the meeting because you wanted to see what the Communist Party was like? A. That is right.

Q. Didn't you think it was a Communist meeting?

A. I was invited by members of the Communist Party.

(Testimony of Lee Barlow.)

Q. Isn't it your present opinion that that was a Communist meeting?

A. I would say yes.

Q. Was that the only Communist Party meeting you have ever sat in?

A. That is right. [7147]

Mr. Grossman: No more questions.

Redirect Examination.

By Mr. Del Guercio:

Q. You testified that up to today you did not discuss your testimony with anyone. You did talk to FBI agents this morning, didn't you?

A. Yes; when I reported in.

Mr. Del Guercio: That is all.

Mr. Grossman: Just a moment.

Recross Examination

By Mr. Grossman:

Q. What transpired in the meeting this morning with the FBI agents?

A. They asked if I was prepared to take the stand.

Q. Is that all they said?

A. That is all.

Q. What did you reply to that?

A. I told them that I had driven 700 miles and that I was prepared.

Q. Did they ask you what you were going to testify to?

A. No, they didn't.

Q. Did they tell you what you were going to testify to?

A. No; no they didn't.

(Testimony of Lee Barlow.)

Q. Was there any discussion as to what you would testify to? [7148]

A. No. They told me to be ready to take the stand.

Q. Is that all that transpired this morning?

A. That is all.

Mr. Grossman: No more questions.

Presiding Inspector: That is all.

(Witness excused.)

Presiding Inspector: Next witness.

Mr. Del Guercio: May we have a recess first, your Honor?

Presiding Inspector: Yes. We will take a short recess.

Mr. Grossman: Before we recess, if Mr. Del Guercio can tell us whether he is likely to finish his case before we conclude today that will help us in preparing our witnesses.

Presiding Inspector: What do you think about that, if you want to say?

Mr. Del Guercio: I want to discuss that now before I answer. I have some more witnesses, but there is a question.

Presiding Inspector: When you come back you can answer.

(Whereupon a short recess was taken.)

Mr. Del Guercio: May we have a conference in chambers, if your Honor please?

Presiding Inspector: Yes.

(Whereupon followed a conference in chambers between the parties.) [7149]

Presiding Inspector: Now, Mr. Del Guercio, proceed with the case.

Mr. Del Guercio: If your Honor please, the Government rests its case except that particular—

Mrs. King: (Interposing) I beg your pardon. Before he goes on there is no objection to the witness being in the room, is there, the next witness?

Presiding Inspector: No.

Mrs. King: I beg your pardon.

Mr. Del Guercio: If the Court please, there is another situation which arose here since we have been in the chambers, and we do have another witness, but I don't know as to whether or not it will be necessary to call him until I first talk to him. I haven't talked to him as yet. I would like to do that before I close the Government's case. If I do call him I don't believe it will take very long either on direct or cross. It is on a material matter and it has already been brought in and it is in a way rebuttal.

Mr. Grossman: We would not object.

Presiding Inspector: Very well, then, no objection to your calling him tomorrow.

Mr. Del Guercio: Also we reserve, of course, the other matter—

Presiding Inspector: (Interposing) That was have been talking about. [7150]

Mr. Del Guercio: (Continuing) —that we have been talking about in the chambers.

Mr. Grossman: Your Honor, at this time we

wish to offer in evidence two letters. I need not describe them any further than to say that they are between officers of the Immigration and Naturalization Service and they deal with the service of subpoenas, or the attempt to serve subpoenas on Maurice Cannalunga. We claim that along the same lines that we have been permitted cross examination, that is, the line of the whereabouts of Cannalunga, the efforts of the Immigration Service and the FBI to find and to serve subpoenas on Mr. Cannalunga, and also the line of the actual service of a or several subpoenas on Cannalunga these letters are relevant.

In so far as they might be considered confidential documents of the service we claim they have lost this confidential character by the fact that they have been offered to and read by counsel for the Alien. We claim they are quite relevant and certainly considering what we have been permitted to go into on our cross examination on these questions I mentioned should be introduced in evidence.

Mr. Del Guercio: I object to their introduction on a number of grounds, first of all they are inter-departmental communications and they were offered to the Court only in response to charges made by counsel that no efforts were being made at that time to locate the missing witness. Secondly, [7151] they are in themselves complete. There are further reports and letters which, of course, we will not make available to counsel because they contain confidential matters, and third, and another ground, that, of course, the reports of themselves are irrele-

vant and immaterial. I think on either one of these three grounds they should be rejected. They were not, of course, offered to counsel; they were offered to the Court, and while it is true that the Court, perhaps, with my consent showed them to counsel they were not under any circumstances intended to be made public.

Presiding Inspector: Why can't a statement be made of the general disclosures in these letters?

Mr. Grossman: Except that it would probably be as detailed as the letters if everything important were included.

Presiding Inspector: I don't think so.

Mr. Grossman: This much we would like to say, your Honor: That though at the beginning of this hearing certain matters, or without this hearing certain matters might have been considered confidential we think by the very nature of this hearing, certain things that have developed, certain things become material to this case, whereas, otherwise they might be confidential. One of those matters is the disappearance of Cannalonga, the efforts made by the Immigration and Naturalization Service and the FBI with respect to subpoenaing him and the ultimate subpoenaing of him. Now, it can't be said [7152] that they weren't involved in this case. I don't have to point out to your Honor the particular evidence and the particular theories that are involved, but whenever the activities of the FBI or the Immigration Service become involved and are subject to evidence, as they are in this case, then,

obviously such letters as this lose their confidential character because otherwise what we are doing, in effect, is suppressing evidence that is relevant because we must assume this is relevant on the theory that it is inter-departmental communications.

I say that much of the doings of the Department or the Service definitely is relevant to this case, and if it is relevant these letters are relevant for the same reasons.

Mr. Del Guercio: I don't believe there is any merit in any of counsel's argument, if your Honor please. Those reports, as they are, do not—

Presiding Inspector: (Interposing) Well, they can't prove everything at one time.

Mr. Del Guercio: What?

Presiding Inspector: They can't prove everything at one time. I don't understand really the materiality of the matter. If you intend to prove that the Government concealed this witness I suppose you might prove it. On the other hand, the Government has proved that you made no attempt to get this witness. You took a statement from him without any attempt to bring him down here for several days. It seems to me that [7153] it lacks importance in the case, it lacks relevance.

Mr. Grossman: I would like to state this: If necessary, I am perfectly willing to give a foretaste of the argument we will make in our brief when we summarize all of these facts that have been brought out.

I will merely state this: That definitely our brief will indicate that we are establishing a theory along

the general lines you suggest, without showing the details. But making an argument showing just how these particular letters fit in the picture would be very difficult at this time. I don't think it is required. I think they should be introduced because obviously they are relevant along the general theory that you have indicated. If the Government wants to make any argument from the fact that Mr. Canalonga was talked to by some representatives of the Defense before the subpoena was issued they can make such an argument; and we can certainly make an argument from the fact that he disappeared in the way he did, and the subpoenas were served in the way they were, at the time they were. If we are permitted to make that argument in a brief, and to put in evidence, as we have been we are permitted what cooperation there is in these letters.

Presiding Inspector: Of course, this record will be reviewed by other persons than myself.

Mr. Grossman: Correct.

Presiding Inspector: I don't see that these letters—

Mr. Del Guercio: (Interposing) I believe those letters [7154] should be returned to me, if the Court please.

Presiding Inspector: I will receive them in evidence with the understanding that they are to be returned to Mr. Del Guercio. I will let Mr. Del Guercio keep them. They can be retained by you so that you can see there are no copies made of them. If they want them so as to get the facts out of them for their brief they can do that.

Mr. Gladstein: How will they be made available?

Presiding Inspector: Mr. Del Guercio will make them available.

Mr. Gladstein: As exhibits in the case?

Presiding Inspector: Yes. So that you can comment on them in the brief. But they are not to be kept with the other exhibits because of the peculiar relation that they have in the files of the Department.

(The two letters referred to were received in evidence and marked Alien's Exhibits Nos. 53 and 54.)

Mrs. King: Mr. Erwin.

Presiding Inspector: Raise your right hand.

CLAUDE ERWIN

called as a witness in surrebuttal on behalf of the Alien, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter?

The Witness: My name is Claude Erwin — E-r-w-i-n. [7155]

Direct Examination

By Mrs. King:

Q. Where do you live, Mr. Erwin?

A. Los Angeles.

(Testimony of Claude Erwin.)

Q. When were you first contacted, and by whom, to become a witness in this case?

A. It was in the latter part of April I was contacted by some men who showed me their cards to be FBI agents and they told me that they were investigators in the Bridges case.

Q. Did they tell you why they wanted you to testify?

A. They stated that they had investigated and found I had a good American background and, to their knowledge, had not been convicted of a felony and they thought I would be a proper witness for identifying literature.

Q. What kind of literature, Mr. Erwin?

A. Literature of the IWW, Industrial Workers of the World.

Q. Have you ever been a member of the IWW?

A. I have.

Q. Are you a member today?

A. I am; yes ma'am.

Q. Do you have with you your IWW membership card?

A. (Producing membership card) Yes ma'am.

Q. This card indicates, Mr. Erwin, that it was issued on July 25, 1919. Was that when you joined the IWW? [7156]

A. I first joined in 1912. I remained a member but this card was issued in 1919.

Q. Have you been a member continuously since 1912? A. Yes, ma'am.

Q. What offices have you held in the IWW?

(Testimony of Claude Erwin.)

A. Well, the first — outside of being job Delegate, the first office I held was in 1919. I was elected on the District Organization Committee of California. I served until the early part of 1920 on that Committee.

Then I was elected District Secretary and served until about the middle of July. I think it was after the 1920 Convention. The Convention abolished the District form of organization and that automatically closed that office as a District office.

Q. Was that the last office that you held?

A. No. I was appointed — after I went out of office, I was appointed as traveling delegate or organizer, you might term it, for the construction workers, and I made a trip east in 1920.

Early in 1922 I was elected on the General Organization Committee for the oil workers.

Later, in 1927, I was elected Secretary of the General Recruiting Union with headquarters in Chicago. I served a term and a half on that, and they revised the structure of the organization; that is, the clearing house took the place [7157] of the Industrial Union offices, and then I went to Detroit as an organizer.

I have been on the General Executive Board.

Q. When were you on the General Executive Board?

A. I was on the General Executive Board in 1934.

Q. Do you hold any office at the present time?

A. I am credentialed as an organizer. It is an appointive job by the General Administration.

(Testimony of Claude Erwin.)

Q. From your knowledge gained, both as a member and as an officer of the IWW, will you inform me whether the IWW has believed in, or now believes in, has advocated, or now advocates, sabotage?

Mr. Del Guercio: If your Honor please, I object to the question, as to its form. It contains in reality two questions.

Presiding Inspector: I don't think that can be proved by oral testimony but through the Lodge.

Mrs. King: He was a member of the General Executive Board, which is the highest—

Presiding Inspector: He would have to have a resolution, wouldn't he, or something of that kind?

Mr. Gladstein: On that same question, your Honor, I recall the record shows that Mr. Gitlow, and other witnesses, were permitted to testify.

Presiding Inspector: No objection was made. Mr. Gitlow [7158] gave his testimony from beginning to end without any objection, as I recall it. I don't remember a single objection.

By Mrs. King:

Q. Mr. Erwin, I show you the Defense News Bulletin, issued in Chicago, Illinois, May 4, 1918, and ask you whether that was an official paper of the IWW?

Mr. Del Guercio: May I see it?

Mrs. King: Certainly.

(The publication referred to was passed to Mr. Del Guercio.)

(Testimony of Claude Erwin.)

Presiding Inspector: The question is, is that an official paper of the IWW?

A. (Examining publication) That was a newspaper put out by the General Defense Committee, and the General Executive Board of the IWW, that was the General Defense Committee, so it was the official IWW publication; yes, sir.

By Mrs. King:

Q. I show you a resolution appearing on the first page of this paper, and ask you if you remember the resolution at the time of its passage?

A. (Examining resolution) I do very clearly. I know what it is. The General Executive Board—it is regarding violence and sabotage. I remember the resolution.

Presiding Inspector: You were in the General Council at that time? [7159]

The Witness: I was—at that time I was not on the General Executive Board, but I was a member, and that was sent throughout the field to the membership.

Presiding Inspector: Very well.

By Mrs. King:

Q. Does this resolution set forth the policy of the IWW at that time? A. It does; yes.

Q. And do you know whether this resolution was adopted?

A. This resolution was adopted and widely circulated. It was adopted by the 1920 convention.

I might state, in that connection, that was adopted

(Testimony of Claude Erwin.)

at that time and was reaffirmed at the 1920 convention.

Mrs. King: I shall read the resolution into the record—

Mr. Del Guercio: (Interposing) I object to the reading of the resolution. I object to any further reference to the paper. There is no foundation laid for it. It hasn't been introduced or offered in evidence yet.

Presiding Inspector: I think—didn't you offer it?

Mrs. King: Not yet.

Presiding Inspector: You should offer it.

Mrs. King: I will offer it in evidence and ask leave to substitute a photostatic copy.

Presiding Inspector: Yes.

Mr. Del Guercio: I object to the offer in evidence.

[7160]

First of all, it has not been shown that it was the official publication of the IWW. All that it has been shown to be is that it was a publication of the Defense Committee. The paper itself shows it was put out during the time of the Haywood trial, or some such trial when certain members of the IWW were being tried on charges of sabotage, and sedition, and they were convicted.

This is the paper that was put out by the Defense Committee in order to help the defense in that case. Certainly such a paper doesn't prove anything, establish anything.

(Testimony of Claude Erwin.)

Presiding Inspector: He says that this is the resolution which shows the policy of the IWW.

Mr. Del Guercio: But this man was not at that time, that is, he hasn't qualified himself—

Presiding Inspector: He was a member of some organization and that was officially sent to him. I will take the document.

Mr. Del Guercio: May I be heard further on it?

Presiding Inspector: Yes.

Mr. Del Guercio: He was not—in 1919 he said he held his first office as a District Organizer in California here and to the early part of 1920. Prior to that time he held no office. This is dated—

Mrs. King: (Interposing) 1918.

Mr. Del Guercio: (Continuing) —1918, so it is prior to the time that he held any kind of an office in the IWW. [7161] And he never became a member of the Executive Board until some time in 1934.

Presiding Inspector: Let me see it.

By Mrs. King:

Q. May I ask him this one question: What was the relation of the General Defense Committee to the IWW?

A. The General Defense Committee is a part of the IWW. The Committee itself was composed of the General Executive Board of the IWW, and the General Secretary-Treasurer, and the officials of the Industrial Unions located in Chicago, headquarters there—strictly an IWW institution.

(Whereupon the resolution referred to was passed to the Presiding Inspector.)

(Testimony of Claude Erwin.)

Mrs. King: May I add, your Honor, that this resolution was re-passed at the convention of 1920 when this man was an officer? [7162]

Mrs. King: Now, if your Honor pleases, the same resolution appears in Solidarity in 1920 when the thing was passed. However, I should like to have it appear as of 1918 when it was originally passed by the General Executive Board. I would like to have the witness identify this paper.

Do you want to see this?

Mr. Del Guercio: Yes, please. Is that a new one? Is that the same paper?

Mrs. King: No, this is Solidarity.

(Whereupon the document referred to was handed to Mr. Del Guercio.)

By Mrs. King:

Q. What was the official paper—

Mr. Del Guercio: (Interposing) Just a minute, please.

By Mrs. King:

Q. What was the official paper of the I.W.W.?

A. Solidarity was the official paper at that time in 1920.

Q. I show you this copy, issued May 22, 1920, and ask you if that is a copy of Solidarity, the official paper?

A. (Examining paper) That is the official organ and so states on the front page.

Q. Do you find in this paper a report of the official action of the convention with reference to sabotage?

(Testimony of Claude Erwin.)

Mr. Del Guercio: If your Honor please—

[7163]

By Mrs. King:

Q. (Continuing) And I ask that you point it out, if you find it.

Mr. Del Guercio: I object to that. This witness has not been qualified yet as being able to identify any such a resolution, and this is only a newspaper report of a resolution, and having in mind the reasons for putting out these articles during the pendency of a trial wherein an IWW member was charged with the very things that the Government contends and of which he was convicted, why, I believe that the paper has no value at all.

Presiding Inspector: That would go for the weight to be given to this item but I don't see how it would go to the competency of it.

Mr. Del Guercio: It also goes to the competency in that no proper foundation has been laid.

Presiding Inspector: He said he was a member of the Executive Council.

Mr. Del Guercio: Not at that time.

Presiding Inspector: In '20.

Mr. Del Guercio: No, not even in '20. He did not become—

Presiding Inspector: (Interposing) When did you become a member of the Executive Board?

The Witness: In the year 1920 I was a member of the [7164] District Organization Committee of California; later in the same year I was District Secretary.

(Testimony of Claude Erwin.)

Presiding Inspector: Then, when did you become a member of the Executive Board?

The Witness: The General Executive Board? I was a member in '34.

Mr. Del Guercio: '34, you see.

The Witness: But that was in an elective position.

Presiding Inspector: Now, were those documents, these resolutions sent to you and your councils?

A. They were sent to all the branches, yes, sir; the minutes of the convention. Later portions of it came out in the paper.

Mr. Del Guercio: The minutes are the best evidence, not a newspaper report.

By Mrs. King:

Q. Mr. Erwin, did you receive these as District Organizer in California? A. Yes.

Q. They were sent to you? A. Yes, sir.

Q. At the office of the IWW in California?

A. Yes, ma'am.

Q. Because you were District Organizer?

A. Yes, they were sent there. Being organizer and also [7165] later secretary all of the papers and literature came to the office and were distributed to the field from that office.

Presiding Inspector: I will take this.

The Witness: Hundreds of copies were—

Presiding Inspector: (Interposing) I will take so much of this paper of May 22, 1922 as contains the resolution.

(Testimony of Claude Erwin.)

Mrs. King: Isn't that May 22, 1920, your Honor?

Presiding Inspector: What did I say? 1922?

Mrs. King: Yes, sir.

Presiding Inspector: No, May 22, 1920. Not the rest of the paper.

Mrs. King: And may I also—

Presiding Inspector: (Interposing) As to the earlier one, we don't know anything about the organization or the powers of this committee that adopted this resolution.

Mrs. King: He said that the General Defense Committee—

Presiding Inspector: (Interposing) Well, I know, but I—

Mrs. King: (Interposing) It is the same resolution, your Honor, identically.

Presiding Inspector: I know. I will reject that for the present.

Mr. Grossman: Your Honor, I think you will find that when you were reading the Exhibit the witness was testifying on this Defense Committee.

Presiding Inspector: Was he? [7166]

Mr. Grossman: And explaining it. I don't think you heard it because it was going on simultaneously.

Presiding Inspector: Will you read what he said in that respect?

Mr. Grossman: Perhaps, the reporter can find it.

Presiding Inspector: Was this resolution adopted by the Defense Committee?

(Testimony of Claude Erwin.)

Mrs. King: By the General Executive Board, the highest body of the IWW.

Presiding Inspector: That doesn't appear in the paper.

Mrs. King: It appears in the heading, G.E.B., which is the abbreviation for General Executive Board, resolution regarding sabotage.

Presiding Inspector: Let me read that.

(The paper referred to was handed to the Presiding Inspector.)

Presiding Inspector: Well, I will take it for what it is worth.

Mr. Del Guercio: Your Honor, before you do that, I would like to know what article.

Presiding Inspector: Only the resolution. Nothing but the resolution.

Mr. Del Guercio: Where does that article appear?

Presiding Inspector: Nothing but the resolutions.

Mrs. King: If your Honor please, I ask at this time to [7167] substitute a photostatic copy.

Presiding Inspector: Yes, that may be done.

Mrs. King: Do you want the whole publication or just the first page, in view of your ruling?

Presiding Inspector: Just the first page and only the part with the resolution is received.

Mrs. King: Yes, I understand.

Mr. Del Guercio: The heading to identify the paper and the nature of the paper.

(Testimony of Claude Erwin.)

Presiding Inspector: Yes, the heading of it. Of course, if you want it all to go in——

Mr. Del Guercio: (Interposing) Only that portion that you said. The other part is immaterial.

Presiding Inspector: There are certain things in the editorials and so forth that I thought were immaterial.

Mr. Del Guercio: Yes. Of course, it is over our objection.

Presiding Inspector. Oh, of course, certainly, certainly.

Mrs. King: Major Schofield, can I have that marked in evidence and I will give it right back to you?

(Whereupon Major Schofield handed the document to Mrs. King.)

(Whereupon the papers referred to were received in evidence and marked Alien's Exhibits Nos. 55 and 56. [7168])

Mr. Del Guercio: Am I correct in assuming this is the portion you pointed out to me?

Mrs. King: (Examining paper) No; in here (Indicating).

Mr. Del Guercio: May we request that all of Alien's 56 go in?

Presiding Inspector: Certainly, if you wish it may all go in.

Mr. Gladstein: We are only offering, if your Honor please, the resolution and so much of the paper to show that it is an official publication of the

(Testimony of Claude Erwin.)

IWW. We haven't offered the balance of the paper. We don't know what the materiality of the balance of it would be to this case.

Presiding Inspector: I don't know either, but it is a single—

Mr. Gladstein: (Interposing) Well, if the Government wants to offer anything else, that is, of course, up to them. We are only offering that portion which your Honor has admitted on our offer heretofore as the record shows.

Presiding Inspector: Well, do you want to withdraw the offer of the whole paper?

Mrs. King: Yes, I do, your Honor.

Presiding Inspector: Then, we will receive only that part.

Mr. Del Guercio: We object to its receipt.

Presiding Inspector: Yes, received over objection. I [7169] will take it.

By Mrs. King:

Q. I show you this and ask you what it is?

A. (Examining paper) That is a one—it is two pages of the Solidarity, the official organ of the IWW. I made an attempt to get the full paper but I couldn't get it. This is all that I could get ahold of. There is the minutes (Indicating) of the General Executive Board of the organization.

Q. You stated that it carries the minutes of the General Executive Board of the IWW. For what date?

A. August 16th to August 25th, 1920.

(Testimony of Claude Erwin.)

Mrs. King: If your Honor please, I offer this in evidence.

Mr. Del Guercio: I object to that.

Presiding Inspector: How did you receive it?

The Witness: I had it in my own belongings.

Presiding Inspector: Where did you get it?

The Witness: From my trunk in Los Angeles.

Presiding Inspector: Well, I mean originally?

The Witness: Originally I got it from Chicago.

That was one of the publications——

Presiding Inspector: (Interposing) Did you get it as a subscriber or did you get it as an officer or member of this local?

The Witness: Well, I got it as an official of the organization. I used to receive hundreds of copies of them [7170]

Mr. Del Guercio: We object to its introduction. First, it is only a newspaper, of course; it is not the proper evidence. The minutes are still available; the organization is still functioning. Secondly, the witness here is not competent to testify in regard to whether or not that newspaper clipping carries the official minutes of the Executive Board. He was not at that time present there; he was out here on the West Coast. He was a minor official in the IWW.

Mrs. King: If your Honor please, this is from the official paper which purports to carry the minutes of the General Executive Board of the organization for which it was the official paper. He received this as an official of the organization and he

(Testimony of Claude Erwin.)

subsequently acted upon it, as we will show in a moment. It seems to me——

Presiding Inspector: (Interposing) Is this the same resolution?

Mrs. King: No; it is a different resolution.

(Whereupon the document referred to was passed to the Presiding Inspector.)

Presiding Inspector: How many of these papers have we had introduced in evidence? How many of these various papers that they have here have been introduced in evidence?

Mrs. King: I don't know, your Honor. You mean of the ones——

The Reporter: (Interposing) Is this for the record? [7171]

Presiding Inspector: No, no; she is just pointing this out.

(Discussion outside the record.)

Presiding Inspector: I will take this.

By Mrs. King:

Q. I show you these minutes, Mr. Erwin, and ask if they show any action taken by the General Executive Board with reference to pamphlets dealing with sabotage?

A. (Examining paper) Yes, there is a motion to that effect in there.

Q. Will you read that motion, please.

A. "Moved by McClelland." Seconded by Brown. That all branches be instructed to destroy all copies.

(Testimony of Claude Erwin.)

of the following pamphlets 'New Unionism.' 'Sabotage' by Flynn and Smith. Carried."

Mrs. King: I offer this in evidence as to that portion of the minutes, your Honor.

Presiding Inspector: I will receive it.

Mr. Del Guercio: Over our objection.

Presiding Inspector: Certainly.

(The paper referred to was received in evidence and marked Alien's Exhibit No. 57.)

By Mrs. King:

Q. As a result of the passage of the resolution by the General Executive Board with reference to the destruction of [7172] pamphlets dealing with sabotage did you personally take any action?

A. Yes, sir.

Q. What action was that?

Mr. Del Guercio: Now, if your Honor please, I object to that question. That isn't the purport of this Exhibit that they have offered in evidence.

Presiding Inspector: Yes, it is.

Mr. Del Guercio: It means the pamphlet, one pamphlet; it doesn't say pamphlets.

Presiding Inspector: I thought she meant the copies of the same pamphlets.

Mr. Del Guercio: That isn't the question, though; that is not the question.

By Mrs. King:

Q. After the passage of the resolution set forth in Alien's Exhibit 57 did you take any action personally? A. Yes.

(Testimony of Claude Erwin.)

Q. What action was this?

A. In the latter part of July, 1920, after the minutes had been mailed to the field from the convention I helped burn the pamphlets in Stockton, the ones that were in stock there.

Q. When you say you helped burn the pamphlets, which pamphlets are you referring to?

A. Well, there was Sabotage by Flynn and Smith—no, there was none by Smith. I have never seen any by Smith in [7173] circulation, but by Flynn, and that New Unionism by Tridon.

The Reporter: Will you spell that, please?

The Witness: T-r-i-d-o-n, I think is the way.

[7174]

Presiding Inspector: Was that introduced?

Mrs. King: It was not.

Presiding Inspector: We are not interested in any pamphlets except the one on "Sabotage" by Flynn.

Mrs. King: The pamphlet on "Sabotage" by Flynn was not introduced, but a pamphlet was introduced as Government's Exhibit 253 entitled "Sabotage, its History, Philosophy and Function," by Walker C. Smith.

Mr. Del Guercio: Neither of those were introduced by the Government.

Mrs. King: "Sabotage, its History, Philosophy and Function," was introduced as your Exhibit 253.

Mr. Del Guercio: The witness here testified he never had seen one by Smith.

(Testimony of Claude Erwin.)

Presiding Inspector: I don't suppose there is any proof—

Mrs. King: (Interposing) He said he hadn't seen it in the field.

May I ask him if he has ever seen a copy?

By Mrs. King:

Q. Have you ever seen a copy of this pamphlet?

A. (Examining pamphlet) The only place I saw that pamphlet was in the Court room. I have never seen them in circulation in the field.

Q. When you say you have—

Presiding Inspector: I don't see what object there is in [7175] proving that they destroyed certain pamphlets which are not involved in this case.

Mrs. King: Because, according to his testimony, the pamphlets dealing with sabotage were destroyed, showing the general position of the IWW.

Presiding Inspector: The resolution says there had been no change in the policy in this respect.

Mrs. King: There was no change—let us ask the witness.

Presiding Inspector: The resolution itself says that. What difference does it make whether he destroyed pamphlets or not which are not before us in this case?

Mrs. King: I should like to ask about this pamphlet.

Presiding Inspector: Do you want to put the pamphlet in evidence?

(Testimony of Claude Erwin.)

Mrs. King: No, I do not. I want to ask him what opportunity he has had to know whether this pamphlet was distributed by the IWW at any time.

Presiding Inspector: You can cover that if you can.

Mrs. King: All right.

By Mrs. King:

Q. Mr. Erwin, what opportunity did you have to know what pamphlets were being circulated by the IWW in 1921, and in the early part of 1922?

A. Well, in connection with all the official publications [7176] we used to have a literature list put out showing a list of the pamphlets for sale. I don't remember of seeing Walker Smith's pamphlet on that list. But I know I have never seen it in any of the halls, and I have been in a good many, at that time.

Q. When you say you have never seen it in any of the halls, can you estimate how many IWW halls you have been in?

A. Well, at that time I had been in, up until 1920, I should judge, probably 12 or 15 halls; but since then I have been in halls all over the United States, in every part of the United States.

Q. Have you ever seen this pamphlet?

A. (Examining pamphlet) I have never seen it in any IWW hall.

Q. Are you familiar with "The I.W.W., its History, Structure, and Methods," by Vincent St. John, introduced in this case as Government's Exhibit 252?

(Testimony of Claude Erwin.)

A. (Examining pamphlet) I am.

Q. Was that pamphlet distributed by the IWW in 1921 and in 1922 as far as you know?

A. Not to my knowledge.

Q. I show you, "The Revolutionary I.W.W.," by Grover H. Perry, Government's Exhibit 257, and ask you whether you know whether that pamphlet was distributed by the IWW, or sold in any of its halls in 1921 and 1922?

A. (Examining pamphlet) It was not because I know it went out of print. It was circulated early, around 1914, I [7177] think, 1913, and then went out of print and there was no more stock.

Q. Have you ever heard any official of the IWW advocate sabotage, or the unlawful injury or destruction of property?

A. I have not.

Mr. Del Guercio: I object to that, if your Honor please.

Presiding Inspector: I don't see that that is very material. It is a negative. He has never heard judged from, I suppose, by what they did say.

Mr. Gladstein: This is based on what he has heard them say as an official of the organization, and asking him whether in any of the statement they made officially or otherwise in meetings, at conventions, or otherwise, any of them, ever advocated the unlawful destruction of property. I think we are entitled to prove that, your Honor.

Presiding Inspector: I don't think there is any

(Testimony of Claude Erwin.)

evidence that anyone did orally except as these documents may show it.

Mr. Gladstein: That is possibly true. I am not sure just what Mr. Reese's testimony was on that. There was someone else testified about the IWW and I am not sure what he said. Your Honor's recollection may be correct, that there isn't any testimony on that. In that event—

Presiding Inspector: Is there?

Mr. Del Guercio: I don't believe there is. [7178]

Mr. Gladstein: If the position of the Government is to this effect, that the Government is not claiming that the IWW advocated the use or engaged in the use of unlawful destruction of property—

Presiding Inspector: I think it is claiming that.

Mr. Gladstein: This is the point I am trying to bring out: If that is their claim then we are entitled to this testimony. If their claim merely is that they distributed certain pamphlets, the evaluation of which is for your Honor, that is something else. If it is confined to distribution of certain pamphlets which they say come into conflict with the statute, that is another matter. But if their contention is broader then it seems we are entitled to this testimony.

Presiding Inspector: It may be broader in that the pamphlets indicate that they did advocate the unlawful destruction of property. I haven't read the pamphlets, except the song book. I haven't read all of that.

(Testimony of Claude Erwin.)

Mr. Gladstein: The contents of that are supposed to be enjoyed most when they are sung to tune.

Presiding Inspector: Yes.

Mrs. King: Now, if your Honor please—

Presiding Inspector: I will take this witness' statement.

Mrs. King: May I restate the question?

Presiding Inspector: I don't think it amounts to very [7179] much. That is my present view.

By Mrs. King:

Q. Have you ever heard an official of the IWW advocate the unlawful damage, injury or destruction of property, or sabotage?

A. I haven't. I have heard it the other way—that they advised against it.

Q. Is there anything in the literature of the IWW, subsequent to 1918, which was being distributed after that date, or after the 1920 convention of the IWW, which advocates the unlawful damage, injury or destruction of property, or sabotage?

A. No; there never was.

Mr. Myron: I object to that, your Honor.

A. (Continuing) And there wasn't any before that.

Presiding Inspector: I think I will take it.

A. (Continuing) The literature was educational. It merely showed the workers what the workers in other countries were thinking about; just the same as the publishing houses today will print in the paper what is going on over in Ger-

(Testimony of Claude Erwin.)

many, about the long range guns, and so forth. It was information for the workers on how the workers were carrying on their struggles. The IWW never advocated sabotage through those pamphlets, never went on record endorsing the action used in the pamphlets. It was merely a discussion of it. [7180]

By Mrs. King:

Q. Did the policy of the IWW, adopted at the 1920 convention, of not issuing any printed matter dealing with the subject of sabotage, continue to be its policy from that time to the present time?

Mr. Del Guercio: I object to that question. There is no such evidence.

To what resolution is that referred to?

Presiding Inspector: The resolution—that is the first resolution, the one on solidarity.

Mr. Del Guercio: Would you mind pointing out to me what resolution you have in mind?

Mrs. King: Here (indicating).

Mr. Del Guercio: I submit there is nothing in the resolution here stating any such thing—they were withdrawing literature.

Presiding Inspector: Where is that?

Mr. Del Guercio: This one here (indicating)—the one pointed out to me by counsel.

(Whereupon the Presiding Inspector examined the publication referred to.)

Mrs. King: I withdraw that question and will reword it.

(Testimony of Claude Erwin.)

Presiding Inspector: All right.

By Mrs. King:

Q. Did the policy laid down in the resolution, which [7181] appears in Alien's Exhibit 55, on May 22, 1920, the issue of Solidarity, continue to be the policy of the IWW from that time to the present day?

Mr. Del Guercio: We object to that. There is no proper foundation laid for such a question of this witness.

Presiding Inspector: He has been an officer of this organization; a somewhat inferior officer. I will take it. The proof of the question is whether it calls for his opinion as to whether there has been any change in the policy of this organization from the time that this resolution was adopted.

A. There has never been any more—

Presiding Inspector: That is, in respect to sabotage.

A. (Continuing) —literature dealing on the subject of Sabotage printed or circulated by the organization.

Mr. Del Guercio: That is not responsive. There is no reference made to literature in that resolution, your Honor.

May I hear the question again?

Presiding Inspector: Read Mrs. King's question.

(The question referred to was read by the reporter as above recorded.)

(Testimony of Claude Erwin.)

A. Yes; the policy as stated in that has never been changed.

By Mrs. King:

Q. Mr. Erwin, are you familiar with the requirements as [7182] to payment of dues by members of the IWW in 1921 and 1922?

A. I am.

Q. What were those requirements?

A. Well, a man—the dues would become due on the first of the month, and he had that month and 30 days to pay his dues; 30 days after the current month he was in bad standing. He had no voice in the meetings. He ceased to be a member until his dues were paid up.

Q. So that if he were 60 days in arrears he ceased to be a member? — A. Yes, ma'am.

Q. Would it be correct, then, Mr. Erwin, according to your testimony, that, with reference to, let us say, the dues for June, that they are due and payable the first day of June, and they can be paid during the whole month of June and the whole month of July, and that if they are not paid by the last day of July you would then cease to be a member on the first day of August?

A. Yes. He would have no voice—

Presiding Inspector: That is all. He ceases to be a member on the first day of August.

Mrs. King: You may cross examine.

Presiding Inspector: Will you be able to close?

Mr. Del Guercio: No. But I think, unless you want—

(Testimony of Claude Erwin.)

Presiding Inspector: I mean with this witness?

[7183]

Mr. Del Guercio: We won't be able to close.

Presiding Inspector: We will have to have him back in the morning?

Mr. Del Guercio: Yes. That is, it all depends on how long you want to remain.

Presiding Inspector: Not more than 15 minutes.

Mr. Del Guercio: I don't believe we will be able to close.

Presiding Inspector: Let us go as far as we can.

Cross Examination

By Mr. Del Guercio:

Q. Do you know Vincent St. John?

A. I can't hear.

Q. Vincent St. John, have you ever heard of him?

A. Yes, indeed.

Q. Who is Vincent St. John?

A. Well, he was an organizer in the Miners' Union.

Q. Was he ever connected with the IWW?

A. He was. He came in with the Western Federation of Miners.

Q. What was his position with the IWW?

A. Well, he had held various positions. He was a general organizer.

Q. Is that all you know about Vincent St. John?

A. No. He was quite active among the Western Federation [7184] of Miners.

(Testimony of Claude Erwin.)

Q. I mean in connection with his relations with the IWW.

A. Well, the Western Federation of Miners was part of the IWW.

Q. Would you mind removing your hand from your mouth—I can't hear you.

A. The Western Federation of Miners became a part of the IWW.

Q. Yes. But what was Vincent St. John's position with the IWW?

A. He held the Secretaryship in early years. I was not in the organization at that time.

Q. As a matter of fact, he was General Secretary and Treasurer of the IWW?

A. Before I became a member; yes.

Q. That is the highest position in the IWW, isn't it? A. That is; yes.

Q. Have you read any literature written by Vincent St. John?

A. Yes. I have read his pamphlets.

Q. Have any of Vincent St. John's writings ever been repudiated by any convention of the IWW at any time, any place?

A. I don't think it is necessary to repudiate them. I have never seen any pamphlets that—

[185]

Q. (Interposing) I didn't ask you that. Have any of St. John's pamphlets, or literature ever been repudiated? A. Not that I know of.

Q. Do you know William D. Haywood?

A. Yes; I have met him.

(Testimony of Claude Erwin.)

Q. What position did he occupy in the IWW?

A. He held the position of General Secretary-Treasurer, and organizer, and Secretary of the General Defense Committee.

Q. He occupied the highest position in the IWW, didn't he? A. At one time; yes.

Q. When was that?

A. That was back around in 1910 or 1911. I believe, when he was Secretary; and he was Secretary of the General Defense Committee in 1920.

Q. Did you ever hear Haywood speak on the policy of the IWW? A. Yes.

Q. Did you ever hear him speak on the tactics of the IWW? A. Yes.

Q. Did Haywood ever preach sabotage?

A. No, sir.

Q. You never heard that? A. No.

Q. Did you attend his trial? [7186]

A. I did not attend the trial, but I read the minutes of it.

Q. Do you know what Haywood was charged with?

A. Yes. He was charged with the same as the other bunch was.

Q. What was he charged with?

A. I forgot the specific wording of it.

Q. Wasn't he charged with sabotage, among other things? A. No, I don't think so.

Q. Was he charged with sedition?

A. Sedition?

(Testimony of Claude Erwin.)

Q. Wasn't he charged with unlawful destruction of Government property?

A. I don't think so.

Q. What was he charged with?

A. I don't know the exact wording of it; I don't remember.

Q. Now, he was charged as an IWW member, wasn't he? A. Yes.

Q. And who were the other defendants?

A. Well, there was a good many of them; over 100, I think, all together.

Q. What were they convicted of?

A. They were convicted of opposing the draft; for one thing. I think they called it "sedition".

Q. What else? [7187]

A. I don't think there was anything else, to my knowledge, in the indictment. I don't remember exactly what it was.

Q. Didn't you follow it?

A. Well, I perhaps did at that time, but I have forgotten. That was a long time ago.

Q. You have identified these papers here, this Defense News Bulletin. What was that put out for?

A. That was put out by the General Defense Committee.

Q. In defense of whom?

A. The General Defense Committee was organized before Haywood was ever indicted.

Q. What were they organized for?

(Testimony of Claude Erwin.)

A. They were organized at the time of a trial up in Washington.

Q. What trial was that?

A. When a Vigilante Committee beat up a bunch of members of the IWW, and there was shooting by the Sheriff's posse and members of the IWW were killed, and members of the IWW were arrested and acquitted. That was the formation of the General Defense Committee in 1916.

Q. Did it continue then until 1918?

A. That continues right to the present time.

Q. To the present time? A. Yes. [7188]

Q. At the time of this issue (indicating) Haywood was on trial, was he not, in 1918?

A. Well, I think the trial—I don't know whether it was going on right at that time or not, but it was around that time, or a little later.

Q. You, yourself, have been charged and convicted of criminal syndicalism, have you not?

A. I have not.

Q. You never have been convicted of it?

A. No, sir.

Q. Weren't you tried on that charge?

A. I was tried.

Q. Were you convicted in a lower court?

A. The upper court reversed the conviction.

Q. You were convicted in the lower court?

A. Convicted and the higher court reversed the conviction.

Q. What were you charged with?

A. Criminal syndicalism.

(Testimony of Claude Erwin.)

Q. Was that in connection with your activities in the IWW?

A. I was arrested as a member of the IWW and charged with criminal syndicalism; yes.

Q. Where were you tried?

A. In Los Angeles County [7189]

Q. In what year? A. 1923.

Q. Was Anita Whitney one of the defendants?

A. No.

Q. Was she subsequently tried?

Mr. Grossman: I object to that as immaterial—was she subsequently tried?

A. Well, I don't know.

Presiding Inspector: I don't know what point there is to that.

Mr. Del Guercio: The name of Anita Whitney has appeared in this trial before as a Communist.

Mr. Gladstein: In other words, counsel has the right to ask the names of all the people who have ever been tried for criminal syndicalism? That must be his theory.

Presiding Inspector: I don't see how it is material.

Mr. Del Guercio: I will withdraw the question.

By Mr. Del Guercio:

Q. Now, Vincent St. John is quite a respected author, isn't he, in the IWW?

A. Vincent St. John was—I don't know what you call a respectable author—but he wrote some very good works I think, including that book there (indicating).

(Testimony of Claude Erwin.)

Q. What did Vincent St. John mean—strike that.

Did any body of the IWW ever repudiate this statement made [7190] by Vincent St. John in Government's Exhibit 252:

"I. W. W. Tactics or Methods.

"As a revolutionary organization the Industrial Workers of the World aims to use any and all tactics that will get the results sought with the least expenditure of time and energy. The tactics used are determined solely by the power of the organization to make good in their use. The question of 'right' and 'wrong' does not concern us."

Did any body connected with the IWW, at any time, any place, or by resolution, or otherwise, ever repudiate that passage?

A. No. If you read the whole pamphlet you will know what he means by that.

Q. They didn't repudiate that passage at any time, any place?

A. That passage has no meaning where you take it by itself. You must read the whole pamphlet. [7191]

Q. Will you answer as to whether they ever repudiated those words that Vincent St. John used?

A. No, because it is not necessary; there is nothing to it.

Q. Now, the IWW still distributes literature of Vincent St. John, do they not?

(Testimony of Claude Erwin.)

A. No; I don't think there is any in circulation at the present time.

Q. Is it only because it isn't in circulation at the present time?

A. It is because Vincent St. John has been dead for a good many years and he hasn't written anything.

Q. Is his literature still being sold?

A. No, because there is none printed.

Q. When was the last printed?

A. I don't remember when the last issue was. It was early, around in 1918 or 1920 or so.

Q. So there is no 1921 issue by Vincent St. John? A. Maybe; I am not positive.

Q. What would you say?

A. I wouldn't say because I don't remember. But I know that I have seen those pamphlets since then.

Q. Where have you seen those pamphlets since then?

A. I have had them in my own possession.

[7192]

Q. Did you distribute any of them?

A. Yes.

Q. Then you have distributed Vincent St. John's literature since 1921?

A. I did. I wish I had some more. They are good pamphlets.

Q. Do you know who Flynn is, mentioned in Alien's Exhibit 57? A. Who?

Q. Flynn? In this motion that was moved and

(Testimony of Claude Erwin.)

carried it speaks of establishing Sabotage by Flynn. Who was Flynn?

A. Flynn, she used to be a member of the organization, and an organizer in the organization.

Q. Do you know why that motion was made and carried? A. Yes.

Q. Why?

A. Because the members didn't agree with that, a lot of the members, or enough of them didn't agree with it, didn't think it was educational and voted against it.

Q. Were you there at the convention at that time?

A. I remember reading the minutes of the meeting in Philadelphia, Marine Transport Workers No. 8, passing a motion that that pamphlet, and some others, be destroyed; and that motion was later taken up on the floor of the convention and concurred with, and it was carried out. [7193]

Q. Isn't it a fact that that motion was made and carried because Flynn was a Communist?

A. No.

Q. Huh? A. No.

Q. Wasn't Flynn a Communist?

A. She wasn't a Communist at that time.

Q. She wasn't a Communist at the time that this motion was made here in—when was that motion made, do you know?

A. Well, the first action of the G. E. B. on that question was in 1918.

(Testimony of Claude Erwin.)

Q: I was referring to this particular motion that appears in this thing. (Indicating)

A: In 1920.

Q: You say Flynn wasn't a member of the Communist Party in 1920?

A: Not to my knowledge. I never knew she was a member until later years.

Q: Do you know if the members of the Executive Board, at the time they made this motion, knew that Flynn was a Communist?

A: I don't know yet that she was a Communist.

Mrs. King: I object to Mr. Del Guercio misleading the witness.

Mr. Del Guercio: There is no misleading at all.

Mrs. King: Certainly there is, when you state to the [7194] witness—

Mr. Del Guercio: (Interposing) Do you deny Flynn was a Communist, is that what you have reference to?

Mr. Gladstein: Simply that you are misleading the witness by the form of your last question and we make our objection on that ground.

Presiding Inspector: The witness has intimated that he later did learn that she was a Communist.

The Witness: I heard it—I didn't learn it—but I don't know how.

Presiding Inspector: You haven't heard it since 1920?

The Witness: No.

(Testimony of Claude Erwin.)

By Mr. Del Guercio:

Q. This issue (Indicating) is dated September 4, 1920. . . A. Yes.

Q. Now, what is the feeling between an IWW and a Communist?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I don't see how that is material.

Mr. Del Guercio: It is material in this way: It gives a reason for passing this resolution taking out of circulation a pamphlet written by Flynn, a Communist.

Mr. Grossman: There is no evidence that this woman was a Communist at that time.

Presiding Inspector: No, I think not.

I don't think that advances the case any. [7195]

By Mr. Del Guercio:

Q. Now, I am reading again from Government's Exhibit 252, the pamphlet by Vincent St. John. On page 16 he says:

"Failing to force concessions from the employers by the strike, work is resumed and 'sabotage' is used to force the employers to concede the demands of the workers."

Now, did the IWW or any official body of the IWW, ever refute those words of Vincent St. John as they appear on page 16 of Government's Exhibit 252?

A. I don't know as there is any refutation of it, but I think if you read the whole pamphlet you

(Testimony of Claude Erwin.)

will understand what he means by the statement that he makes in there. It is the history, structure and methods.

Q. You have to read the whole book to know what he is trying to say? A. Absolutely.

Q. Is there any body of the IWW that, any official body of the IWW that passed a resolution, or any kind of a—withdraw that.

Did the IWW at any time withdraw this pamphlet by St. John?

A. I don't know for sure whether there was any of them left in circulation or not.

Q. Did they ever withdraw it from circulation?

A. If there is none out in the field there is no need [7196] of withdrawing it.

Presiding Inspector: He asked you whether you knew whether they had done that.

The Witness: No, I don't.

By Mr. Del Guercio:

Q. Did they ever take any official action to withdraw this document?

A. I don't remember of any.

Q. Do you know of any?

A. If I don't remember I surely don't know.

Presiding Inspector: It is five o'clock now.

(Whereupon, at 5:00 P. M., an adjournment was taken until Wednesday, June 11, 1941, at 10:00 A. M.) [7197]

Court Room 276,
Federal Building,
San Francisco, California,
June 11, 1941.

Met, pursuant to adjournment at 10:00 A. M.
[7198]

PROCEEDINGS

Presiding Inspector: Do you want to wait for Mr. Gladstein?

Mr. Grossman: We can start without him.

CLAUDE ERWIN

called as a witness in surrebuttal on behalf of the Alien, having been previously duly sworn, testified further as follows:

Presiding Inspector: You are to continue under oath.

The Witness: Yes, sir.

Presiding Inspector: Now, Mr. Del Guercio.

Cross Examination (Resumed).

By Mr. Del Guercio:

Q. You testified yesterday that you never saw this book here, "Sabotage," by Walker C. Smith, is that right?

A. I said in circulation. I saw a copy of it in the court room in Los Angeles.

Q. Now, do you know if this book here was ever withdrawn by the Executive Board of the IWW, or by any official body of the IWW?

A. Yes. It was named in the resolution.

Q. Was this particular book named, or was it a book by Flynn and Smith that was withdrawn?

(Testimony of Claude Erwin.)

A. I think—I know that all the sabotage books were withdrawn.

Q. Why were they withdrawn? [7199]

A. Well, because they thought it was of no interest to the organization, it was detrimental because the courts had misinterpreted the meaning.

Q. That was the only reason it was withdrawn, because of the Haywood trial, and for the purpose of camouflaging the policy of, and ideality of the IWW, was it not?

A. That is not a fact. In fact, the Sabotage pamphlets were of an educational nature to inform the workers what was going on in other countries. The pamphlet by Tridon was translated from French and printed into English.

Q. Did you ever read a book by Pouget on Sabotage? A. Yes.

Q. Was that ever withdrawn? A. Yes.

Q. When? A. At the same time.

Q. By what?

A. By action of the General Executive Board.

Presiding Inspector: You mean that resolution that was introduced?

The Witness: Yes, sir.

Presiding Inspector: The series of resolutions?

The Witness: Yes, sir.

By Mr. Del Guercio:

Q. Did you ever see this, "I.W.W. Songs"?

[7200]

A. Yes, sir.

Q. Did you ever sing any of them?

(Testimony of Claude Erwin.)

A. I am not much of a singer.

Q. Was that ever withdrawn?

A. The songbooks,—the songs are changed from year to year.

Q. Was that book ever withdrawn out of circulation?

A. I don't know whether that particular one was or not. I don't know as any of those song books were withdrawn, but the songs were changed from time to time.

Q. Well, as a matter of fact, this book here, "IWW Songs", Government's Exhibit No. 259—

A. (Interposing) May I see it, please?

Q. (Continuing) —was never withdrawn?

Presiding Inspector: Of course, there is no claim it has been withdrawn unless you bring it up now.

A. That is one of the earlier editions; that was revised and reprinted. There has been a dozen songbooks out since then. I think it is up to the '25 edition now.

By Mr. Del Guercio:

Q. Have you ever practiced sabotage?

A. No, sir.

Q. What were you arrested for when you were arrested?

A. I was arrested in Los Angeles County in 1922.

Q. On what charge? [7201]

A. A charge of criminal syndicalism.

Q. What were you charged with doing?

(Testimony of Claude Erwin.)

A. I was never charged with committing any overt act of any kind.

Presiding Inspector: What were you accused of?

The Witness: Criminal syndicalism.

Presiding Inspector: In what respect? It must have been a specification.

The Witness: No; it was belonging to an organization—I think the indictment read: “Belonging to an organization that advocated the overthrow of the Government.”

By Mr. Del Guercio:

Q. Was that the only charge contained in the indictment?

A. I think it was also distributing literature that advocated the use of force and violence, but the case was reversed in my instance.

Presiding Inspector: You have told us about that. No use repeating it because we have heard about that.

The Witness: But there was never a member charged with criminal syndicalism. It was a charge of committing an act himself.

By Mr. Del Guercio:

Q. The organization referred to in that indictment was the IWW, was it not?

A. What is that? [7202]

Q. Was the IWW referred to in the indictment?

A. Criminal syndicalism covers any organization.

(Testimony of Claude Erwin.)

Q. How many defendants were named with you in that indictment?

A. There were eight of us on trial in my case; all reversed.

Q. Was the IWW named in the indictment?

A. What is it?

Q. Was the IWW named in the indictment?

A. Yes, being a member of the Industrial Workers of the World, yes, in my specific indictment.

Presiding Inspector: Mrs. King, did you introduce in evidence all the resolutions in relation to withdrawals or only the one in relation to a sabotage book which is not in evidence?

Mrs. King: If your Honor please, I introduced one with reference to a sabotage book in August of 1920 and, I believe, that the book is in evidence because it was "Sabotage" by Smith.

Presiding Inspector: Well, this is by Smith and somebody else.

Mrs. King: No; there were two sabotage books. That is just the wording of the resolution.

Presiding Inspector: I see. Well, but you didn't intro- [7203] duce those to show that any of these other books—

Mrs. King: (Interposing) No, sir.

Presiding Inspector: You don't claim that any of the other books were specifically mentioned in those resolutions?

Mrs. King: No.

Presiding Inspector: No use introducing it in evidence if that is the understanding.

(Testimony of Claude Erwin.)

Mrs. King: Yes, we introduced the general resolution with reference to sabotage.

Presiding Inspector: Oh, you did? But there are a series of them, aren't there, a series of these resolutions?

Mrs. King: No; in those minutes we only introduced so much of it as related to the pamphlet by Flynn and Smith, just that one paragraph.

Presiding Inspector: But you don't claim there was any specific resolution in relation to these other books in evidence?

Mrs. King: We don't know that, your Honor.

Presiding Inspector: That is right. I just wanted to get clear what the purpose was, what the extent was.

By Mr. Del Guercio:

Q. Do you know an attorney by the name of Henderson? A. (No response).

Q. An attorney by the name of Henderson?

A. Yes, sir. [7204]

Q. Did you consult with him before you appeared here to testify?

A. Why, Attorney Henderson told me that the Defense wanted me and asked me if I would come up here.

Q. Did you speak with Henderson before you came up here? A. Yes, sir.

Q. Did you go over your testimony with Mr. Henderson?

A. No. I didn't know just exactly what was

(Testimony of Claude Erwin.)

to be covered here, but I went over it with the Defense attorneys.

Q. Well, did you meet with Mr. Henderson first?

A. I met with him before I was sure that I was going to be called. When he first asked me I met with Mr. Henderson.

Q. Where did you meet with Mr. Henderson?

A. I met him in Bakersfield in his home.

Q. Did he send for you?

A. He asked me to come up and talk it over.

Q. Who paid for your transportation?

A. I paid for it myself.

Q. Are you working now?

A. I am not right now.

Q. Where do you live?

A. I am stopping here in San Francisco. I worked a few days—

Q. (Interposing) Well, where is your place of residence? [7205]

A. Los Angeles.

Q. Los Angeles. How did you get up here to San Francisco?

A. I came up of my own accord.

Q. You paid your own transportation?

A. Yes, sir.

Q. The Defense here didn't pay for your transportation from Los Angeles?

A. No.

Q. And Mr. Henderson didn't pay for it?

A. No, sir.

Q. Do you have any income other than from employment?

A. I don't.

(Testimony of Claude Erwin.)

Q. Huh?

A. I don't. I borrowed \$20.00 to come up here.

Q. From whom?

A. From a friend of mine.

Q. What is the name of the friend?

A. Well, I don't care to give any names.

Q. What?

A. I don't care to give any names.

Mr. Gladstein: I object.

Presiding Inspector: I think it is immaterial.

By Mr. Del Guercio:

Q. How long have you been employed? [7206]

A. I have been laid up in the hospital for nearly four years from an automobile accident.

Q. You haven't been working for the last four years? A. No, with the exception—

Q. (Interposing) How do you support yourself?

A. The last three days and a half before I came into the city here I worked in Petaluma.

Q. How have you been supporting yourself for the last few years?

A. I told you I was in the County of Los Angeles Hospital for nearly four years.

Q. What were you doing in Petaluma?

A. Working on a chicken ranch.

Q. Working what?

A. On a chicken ranch.

Q. For how long a period?

A. Three days and a half before I was summoned to come in here.

(Testimony of Claude Erwin.)

Q. Is that the only employment you have had?

A. That is all since I have come out of the hospital.

Q. Were you in the hospital continuously for three years?

A. Hospital and rest home. I was in the rest home when the FBI man contacted me in April.

Q. Rest home of what?

A. Los Angeles hospital.

Q. How did you know that it was an FBI man that con- [7207] tacted you?

A. Because they showed me their credentials. They stated they were investigators on the Bridges' case.

Q. Did they tell you they were FBI men?

A. Well, no. They showed me their credentials with their pictures on it and I didn't read it over but they said they were investigators on the Bridges' case, representing the case.

Q. They didn't say they were FBI men?

A. Huh?

Q. They didn't say they were FBI men?

A. I don't exactly remember whether they said FBI or Immigration officials, but they nevertheless were Government officials. [7208]

Q. Now, what rest home were you staying at?

A. I was in Los Angeles County.

Q. That is the Los Angeles Farm?

A. That is—yes, it is a part of the General Hospital now.

Q. How long were you there?

(Testimony of Claude Erwin.)

A. I was there about a year and a half or a little better.

Q. You had been there for a year and a half?

A. Yes.

Q. Do you expect to repay this \$20.00 you borrowed from this friend?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: Immaterial; yes, sir.

Mr. Del Guercio: It goes to—

Presiding Inspector: No. We won't go into civil obligations.

Mr. Del Guercio: Sir?

Presiding Inspector: We won't go into civil obligations.

By Mr. Del Guercio:

Q. Do you expect to pay your own way back to Los Angeles?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I don't see how that is material.

Mr. Grossman: If Mr. Del Guercio is interested, we are [7209] going to pay all his expenses before he goes back.

Mr. Del Guercio: Why doesn't the witness say so?

Mr. Grossman: You haven't asked him.

Mr. Del Guercio: No further questions.

Presiding Inspector: That is all. Do you want to ask something further?

Mrs. King: Yes.

Presiding Inspector: I beg your pardon. I thought you had finished.

(Testimony of Claude Erwin.)

Mr. Del Guercio: There is one other matter. I believe only a portion of one paper was introduced. I would like to offer at this time the rest of that paper if counsel has it.

Presiding Inspector: The whole of one paper was introduced.

Mr. Del Guercio: There is one exhibit that only a portion of it was introduced.

Presiding Inspector: Yes; the one the resolution was in.

Mr. Del Guercio: I would like to introduce the rest of that paper.

Mr. Gladstein: While we do not have any basic reason for objecting, it is simply a question of asking what the materiality of the rest of the newspaper is. If it is only to show the official character of the newspaper, we have no objection.

Presiding Inspector: I suppose, if it has anything in [7210] explanation of the resolution—

Mr. Del Guercio: (Interposing) That is it.

Mr. Gladstein: Anything material—

Mr. Del Guercio: (Interposing) There is an editorial appearing there and it explains the resolution, your Honor.

Presiding Inspector: There is an editorial there.

Mr. Grossman: Though we may not have the paper here, and the photostatic copy, we will see that it is produced before the end of the hearing.

Mrs. King: I have the original of the paper. I don't have the other pages; but I will produce the other pages in the course of the day.

(Testimony of Claude Erwin.)

Presiding Inspector: The paper has been given an exhibit number so far as it relates to the copy of the resolution. Now, the same exhibit number can cover the entire document. The minutes will show that.

Mr. Grossman: May the record be clear as to which paper this is that is being introduced?

Presiding Inspector: Certainly; it should be.

Mr. Del Guercio: May I see the paper?

(The publication referred to was passed to Mr. Del Guercio.)

Presiding Inspector: One was fully received; the other one wasn't. [7211]

Redirect Examination

By Mrs. King:

Q. You testified on direct examination yesterday, Mr. Erwin, that the pamphlet, Government's Exhibit 252, "The I.W.W., its History, Structure and Methods," by Vincent St. John, was not being distributed by the IWW in 1921 and 1922 as far as you knew. Is that correct?

A. That particular copy, an exhibit here.

Q. You testified on cross examination, I believe, that that pamphlet was not withdrawn by the IWW. I should like to ask you whether any pamphlets bearing that name, "The I.W.W., its History, Structure and Methods," by Vincent St. John, were being distributed after 1921 and 1922?

Presiding Inspector: To your knowledge.

A. Yes, the History, Structure—

(Testimony of Claude Erwin.)

Presiding Inspector: You can go into how much he knows.

By Mrs. King:

Q. After 1920?

A. Yes, "History, Structure and Methods" by Vincent St. John was revised in 1919 and circulated after that date.

Presiding Inspector: In the revised form?

The Witness: In the revised form.

By Mrs. King:

Q. I show you this pamphlet (indicating) and ask you whether that is the revised edition? [7212]

A. (Examining pamphlet) That is the revised edition; yes, ma'am.

Q. When was that issued, Mr. Erwin?

A. In 1919, 1920 and 1921 until they run out of the pamphlets. I don't think it was reprinted after—I don't remember of it being reprinted after '24: I am sure it wasn't, pretty sure. But I know it was revised and printed in 1919.

Q. As far as you know, Mr. Erwin, as far as you can recall, was the portion of the pamphlet read to you yesterday by Mr. Del Guercio incorporated in the revised edition, or was it omitted from the revised edition?

A. That was omitted from the revised edition.

Q. Is that true as to both the portions that were read, or only one of the two portions that were read yesterday?

A. Both portions.

Q. That is your best recollection?

A. To the best of my knowledge; yes.

(Testimony of Claude Erwin.)

Mrs. King: Of course, the pamphlets can be compared.

Presiding Inspector: Yes. You had better introduce it in evidence.

Mrs. King: I offer this in evidence as Alien's Exhibit next in order?

Presiding Inspector: It may be received. [7213]

(The pamphlet referred to was received in evidence and marked Alien's Exhibit No. 58.)

Mr. Del Guercio: The exhibit I referred to a moment ago is Alien's Exhibit 56, the entire paper. We want the entire paper introduced in evidence.

Presiding Inspector: It may be received, the entire paper, as Alien's Exhibit 56.

(The entire publication referred to was received in evidence and marked Alien's Exhibit No. 56.)

By Mrs. King:

Q. Mr. Erwin, do you carry any credentials as a delegate or organizer of the IWW? A. Yes.

Q. May I see those credentials, please?

A. (Producing credentials) That is for 1941.

Q. May I have the earliest credentials that you have?

A. (Producing credentials) The earliest credential I have is for 1929, when I was Secretary-Treasurer of the General Recruiting Union.

Q. On the back of this credential, Mr. Erwin, there are instructions. Do you know whether the instructions—withdraw that question.

(Testimony of Claude Erwin.)

Did you have earlier credentials than the 1929 credentials?

A. Yes. I had credentials in 1927 and 1928.

[7214]

Q. Did you have any credentials as far back as 1920 or 1921?

A. I had credentials in 1920; yes.

Q. And in 1921? A. In 1921.

Q. And in 1922? A. In 1922; yes.

Q. Do you know whether the instructions on the back of those credentials are identical with the instructions on the 1929 credentials?

A. They were. All the general organization credentials carried those instructions.

Mrs. King: I offer the credentials of April 6, 1929.

Mr. Del Guercio: I haven't seen them yet. I object to their introduction as immaterial and irrelevant.

—(The credentials referred to were passed to Mr. Del Guercio.)

Presiding Inspector: I will take them. Mark them in evidence. I don't think they are of very great weight because whether he has had some similar credentials depends upon his verbal statement under oath. It is scarcely better than a later document.

The credentials referred to were received in evidence and marked Alien's Exhibit No. 59.)

Mrs. King: Do you think it would be of any pro-

(Testimony of Claude Erwin.)

bative [7215] value to show the instructions were the same in——

Presiding Inspector: I don't know what the instructions are.

Mrs. King: I ask leave to withdraw this and substitute a photostatic copy.

I would like to call your attention to this one paragraph:

"The I.W.W. in none of its doctrines in the past or present, has ever advocated the destruction of life or property, but has, in fact, always strenuously opposed such teachings, methods and tactics. Furthermore, it is against the principles of the Industrial Workers of the World to destroy anything in any way, shape or form."

By Mrs. King:

Q. I asked you yesterday, Mr. Erwin, how many halls, IWW halls, you had been in up to 1921. I should like to ask you how many halls, in addition, you were in during the year 1921, if you can recall—withdraw that question.

Can you tell me how many halls in all, IWW halls, you were in up to the end of 1921?

A. Well, I would have to count up on them. I can name them, perhaps.

Presiding Inspector: Give us a rough estimate.

A. I should judge 25 halls.

By Mrs. King:

Q. Was IWW literature sold in every one of those halls? [7216] A. Yes.

(Testimony of Claude Erwin.)

Q. Have you looked at the transcript of yesterday's testimony?

A. I glanced through it this morning; yes.

Q. And when you glanced through it did you observe a statement that you had been back east in 1922?

A. I said I went back east in 1920. In 1922 I was still there and elected to the General Organization Committee of the oil workers, and came west in 1922.

Q. Mr. Erwin, do you know the local number of the Agricultural Union of the IWW—did you know it in 1920 and 1921?

Presiding Inspector: Whereabouts? Is it all the same?

Mrs. King: In Kansas.

A. The Agricultural Workers Industrial Union has one number. It was 400 in 1918; and in 1920 they changed the number to 110.

By Mrs. King:

Q. Has it subsequently been changed?

A. It has remained 110 ever since to the present time.

Q. Do you know what Industrial Union Local 600 was in 1919 and 1920?

A. They are not judged as locals. This Industrial Union No. 600 was the Railroad Workers up until 1920 and it was changed to No. 520 instead of 600.

Q. After that change what union bore the designation [7217] of 600, if you know?

(Testimony of Claude Erwin.)

A. 600 is ~~not~~ in existence. There was no union of 600 after 1920.

Mrs. King: That is all.

The Witness: I might state that 600 represents a whole department—

Mr. Del Guercio: (Interposing) There is no question.

Mr. Gladstein: I understand that the witness wants to add something to his answer. I don't think—

Mr. Del Guercio: It wasn't to his answer.

Mr. Gladstein: Do you want to add something to your last answer?

The Witness: Yes.

Mr. Del Guercio: I object to that, if your Honor please.

Presiding Inspector: I will hear it.

The Witness: In 1920, at the time the numbers were changed in the Industrial Unions, the charts were changed and No. 600 came under a department instead of an Industrial Union, the 600 Department?

The Witness: Yes.

By Mrs. King:

Q: Did these matters come to your attention in your official capacity? [7218] A. Yes, sir.

Presiding Inspector: The witness is yours, Mr. Del Guercio.

Mr. Del Guercio: That is all. No questions.

Presiding Inspector: You are excused.

Mr. Gladstein: We can put Mr. Cannalonga on now and finish with him.

Presiding Inspector: Mr. who?

Mr. Gladstein: Mr. Cannalonga.

Presiding Inspector: You may take the stand, Mr. Cannalonga.

Mr. Gladstein: Do you have those letters which were received in evidence, but given to your custody, Mr. Del Guercio?

(The letters referred to were passed to Mr. Gladstein.) [7219]

MAURICE J. CANNALONGA

called as a witness in rebuttal on behalf of the Government, having been previously duly sworn, testified further as follows:

Further Cross Examination

By Mr. Gladstein:

Q. Mr. Cannalonga, you testified that the Emel family, E-m-e-l, the Emels, were not in any way related to you. Isn't Mr. Emel a half brother of yours? A. He isn't.

Q. He what? A. No.

Q. Is either he or his wife in any way related to you by blood? A. No.

Q. Have you ever stated in any ship articles that you have signed or anywhere else that there was a relationship between you and Mr. Emel or Mrs. Emel? A. What is that again?

(Testimony of Maurice J. Cannalunga.)

Mr. Gladstein: Will you read the question?

(The question referred to was read by the reporter as above recorded.)

A: I have.

By Mr. Gladstein:

Q. I beg your pardon? [7220] A. I have.

Q. When did you first do that?

A. Oh, about five or six years ago.

Q. Why did you do that?

A. In case I died out at sea, that my possessions would be turned over to him.

Q. And what did you state the relationship to exist when you made that statement.

A. Step brother.

Q. Does Mr. Emel ever go by the name, to your knowledge—

Presiding Inspector: (Interposing) What is the purpose of all this? Those papers were not introduced for the purpose of contradicting this witness.

Mr. Grossman: That is correct.

Presiding Inspector: No, I beg your pardon. I didn't so receive them.

Mr. Grossman: I said that is correct.

Presiding Inspector: Oh, I beg your pardon.

Mr. Grossman: But the papers do show that, at least on the shipping articles—

Presiding Inspector: (Interposing) Well, what difference does it make?

Mr. Grossman: That is what we want to know.

Presiding Inspector: Well, what difference does

(Testimony of Maurice J. Cannalunga.)

it [7221] make if they do? That is for you to know, whether they mean anything.

Mr. Grossman: It may or may not. The fact that this man had something to do with getting his clothes and his leaving the ship, and all that sort of thing, who, according to these papers was stated to be a half brother by him, and now said by the witness not to be any relation. It might have some——

The Witness: (Interposing) Well——

Presiding Inspector: (Interposing) Now, we have had enough.

By Mr. Gladstein:

Q. Mr. Cannalunga, before the Shipping Commissioner on various occasions when you have shipped out have you given the name of Ernest Emel Cannalunga at 3003 East 115th Street, Seattle, Washington, as your half brother?

A. Not the way you just said it, I never.

Q. Well, how did you do it?

A. Just his right name, Ernest Emel, not Cannalunga.

Q. Now, when you saw Mr. Emel on Wednesday, that Wednesday, the day that you left the ship, did you give him any instructions as to what he should say in the event the Immigration Department or the FBI should make inquiries as to where you were?

A. I didn't.

Q. None whatsoever? [7222]

A. None whatsoever.

Q. Do you have any brother at all?

A. I have.

(Testimony of Maurice J. Cannalunga.)

Q. Do you have a brother who lives in Seattle or anywhere in that vicinity? A. No.

Q. How many brothers do you have?

A. Two.

Q. And where do they reside?

A. Back in Massachusetts.

Q. Were both of them residing back in Massachusetts during all of April and May of this year?

A. They were. I haven't seen them since—

Presiding Inspector: (Interposing) No, never mind. Just answer the question.

By Mr. Gladstein:

Q. Now, before you left Mr. Emel to go on this trip that you have described did you ever tell Mr. Emel that you had recently been worked over by goons. A. No.

Q. Please speak up. A. I said "No."

Presiding Inspector: Of course, that letter wasn't introduced for any such purpose, to show any fact of that kind.

Mr. Grossman: That is correct. [7223]

Presiding Inspector: It was only introduced in relation to the action of the officials, the Government officials in trying to find—

Mr. Gladstein: (Interposing) Yes, I understand that.

Mr. Del Guercio: They are not, however, confining themselves to that purpose, if the Court please.

Mr. Grossman: We are not trying to impeach him.

(Testimony of Maurice J. Cannalunga.)

Presiding Inspector: That was the sole purpose for which I received it.

Mr. Grossman: Your Honor, we are using the letter only for the purpose of getting ideas, not to impeach the statement.

Mr. Del Guercio: I move every answer of this witness and the questions be stricken from the record.

Presiding Inspector: No, I will let it stand. These questions are not going to be used in any way except—these answers, except as Mr. Grossman just said, to get ideas about what was done during that period.

By Mr. Gladstein:

Q. Did you tell Mr. Emel at any time, Mr. Cannalunga,——

Mr. Del Guercio: (Interposing) The letters speak for themselves.

Presiding Inspector: Well, he is going to ask him now. The letters don't speak for Mr. Cannalunga. They report certain conversations and certain actions which related to the Government officials, that is, conversations which they had [7224] with other people and actions which they took.

Mr. Del Guercio: If the Court please, the letters show that he had no contact with——

Presiding Inspector: (Interposing) Oh, that is perfectly apparent; we all know that.

By Mr. Gladstein:

Q. Did you tell Mr. Emel or his wife that you were laying low? A. I didn't.

(Testimony of Maurice J. Cannalunga.)

Mr. Gladstein: I think that is all, your Honor.

Presiding Inspector: Is that all from this witness?

Mr. Gladstein: Yes.

Presiding Inspector: You are excused, Mr. Cannalunga.

(Witness excused)

(Whereupon Mr. Gladstein handed documents to Mr. Del Guercio.)

Presiding Inspector: Those will be accessible to you, Mr. Gladstein.

Mr. Gladstein: What?

Presiding Inspector: They will remain accessible to you under the rule.

Mr. Gladstein: Thank you.

Mr. Grossman: We would like to ask Mr. Cannalunga to be excused from the room. He has been sitting here without objection, but for the following witnesses we don't want him [7225] present.

Presiding Inspector: All right, that is perfectly proper. He may be excluded from the room.

Call the next witness.

Mr. Grossman: We are calling our next witness.

LOUIS E. YOUNG

called as a witness in surrebuttal on behalf of the Alien, being first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

(Testimony of Louis E. Young.)

The Witness: Louis E. Young, 0315 Southwest
Nebraska Street, Portland, Oregon.

Direct Examination

By Mr. Grossman:

Q. Mr. Young, what is your occupation?

A. Longshoreman, stevedore foreman.

Q. For how long have you been a longshoreman?

A. Since about 1918, October.

Q. Do you remember working on the West Cussetta in May of this year?

A. Yes, sir.

Q. And what position did you occupy in that work at that time?

A. I had a gang on hatch No. 4.

Q. Were you foreman of the gang? [7226]

A. Yes, sir.

Q. How large was the gang?

A. Eleven men; well, it was thirteen. I only carry eleven; they have two extra men, board men.

Q. When did you go to work for the first time on the West Cussetta?

A. Crown Mills at 8:00 o'clock in the morning on Saturday morning.

Q. Saturday, May 3rd?

A. 3rd, yes.

Q. Do you know a man named Maurice Carmalunga?

A. Yes, sir.

Q. When did you first meet him? I don't mean in 1941, but if you met him before that when was the first time?

A. Well, during the 1934 strike.

Q. Did you meet him on many occasions during the 1934 strike?

(Testimony of Louis E. Young.)

A. Well, I seen him—he was a delegate; he was a committeeman, I suppose, a delegate from the Fireman's Union, I believe it was, and I seen him on the stand making reports several times during different meetings.

Q. Did you see Maurice Cannalonga on Saturday, May 3rd? A. Yes, sir. [7227]

Q. What was the occasion for your seeing him for the first time on that day? How did it come about?

A. Well, we had electric winches and they didn't function very good. It seemed like the port winch continuously broke down and I had to get him on several occasions.

Q. On the first occasion what happened? How did you come to talk to him?

A. Well, the winches wouldn't run when we started to work, so the walking boss, Captain Enstrom was standing—

The Reporter: (Interposing) Will you spell that, please?

The Witness: I don't know; it is a Norwegian name.

Presiding Inspector: Do the best you can.

The Witness: E-n-s-t-r-o-m, I think it is.

I asked the walking boss to go get the electrician because the winches wouldn't work, and he went and got him, or he had the Chief Engineer go get him, I don't know which, but anyway he came just a few minutes after 8:00.

(Testimony of Louis E. Young.)

By Mr. Grossman:

Q. And did you then have any conversation with him?

A. Well, no, just the winches were haywire and I asked him to fix them.

Q. Did he then work on the winches?

A. Yes. [7228]

Q. Was it one winch or several that were bad then?

A. Well, the winches all over the ship, but our winches, it seemed to be the fourth winch was the worst one. He claimed it was full of water.

Q. Then, on this first occasion that you saw him Saturday morning he worked on the winch?

A. Yes, sir.

Q. Can you estimate about how long he worked on the winch?

A. I presume around a five-minute interval.

Q. On any other occasion that day did you see Mr. Cannalonga?

A. Yes, I saw him. I called—I went to his room three or four different times to get him.

Q. What was the occasion for you going to his room?

A. Well, the winches would go on the bum and the fellows would start hollering in the hold, and the winch drivers would quit work and say the winches would either be fixed or they were going to quit, so I would go after him again.

Q. When you went to his room what did you find him doing on these various occasions?

(Testimony of Louis E. Young.)

A. Well, I remember he was laying on the—he had a radio against the wall and he would be laying on a couch there listening to the radio. [7229]

Q. On any of these occasions did you find him drinking when you went into his room?

A. No, sir.

Q. Upon how many different occasions did you see Cannalonga working on one of the winches on that Saturday?

A. Oh, I should judge he must have been back there eight or ten times.

Q. Will you state whether Mr. Cannalonga was drunk or sober on Saturday, May 3rd when you saw him working on those winches?

A. Well, he was sober.

Q. Are you sure of that? A. Yes, sir.

Q. Did you see Cannalonga—withdraw that. Did you work on the West Cussetta the next day?

A. Yes, sir.

Q. When did you go to work the next day?

A. Seven o'clock in the morning at Terminal 1.

Q. Do you mean you were to start work at seven?

A. Yes, sir.

Q. What time did you personally arrive at the boat on Saturday morning?

A. I got there about fifteen, twenty minutes to seven.

Q. Did you find Cannalonga on or about the time—did you see Cannalonga on or about the time that you arrived [7230] at the boat that Sunday morning?

A. Yes, he was working on the winches.

(Testimony of Louis E. Young.)

Q. Which winch was he working on?

A. He was working on the port winch—no, on the starboard—I beg your pardon. He was working on the starboard winch.

Q. Can you state what he was doing at that time?

A. Well, he was putting it back together again. He had several little plates out, whatever they are—I don't understand that—but he was drying it out.

Q. Did he say to you what he was doing or had been doing?

A. Yes, he said it was full of water and that he had opened it up and got the water out and was drying it out.

Q. For what period of time continuously did he work on that winch after you came that Sunday morning?

A. Well, he worked continuously up until 7:30 on the winch because we stood by. The men just sat there and waited until 7:30. We never moved a thing because we were taking lumber from the barge and we couldn't do anything because the top of the booms—we had to top the yard arm and lower the guide ship. We had to have the gear, the winches to do it with, so we couldn't do nothing.

Q. Did Mr. Cannalunga state anything to you as to whether he had worked the night before on the winches? [7231]

A. He told me he worked practically all night on them and he said "They ought to be in pretty good shape now."

Q. Do you remember, did the winches break down at any other time that day?

(Testimony of Louis E. Young.)

A. Yes, at intervals, off and on practically the whole day. They——

Q. (Interposing): On any of these,—excuse me. Continue.

A. Well, you know, they would stop probably for two or three minutes. We would go ahead and they would stop, and like you would bring a load in they would just stop, that is all, and you would have to pull them back and forth. They have a lever where it comes in back and forth, second and—to try and keep them—get them started, and they wouldn't work. Once in a while they would take hold, were liable to take hold going back or going forward.

Q. On any of these occasions when the winches broke down or wouldn't work well did you go after Cannalonga to fix them on Sunday?

A. Yes, I went after him Sunday a couple——

Q. (Interposing): Was there any occasion when you went after him and couldn't find him?

A. In the afternoon.

Q. And did you do anything—did you talk to any other [7232] worker on that ship when you couldn't find Cannalonga?

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: Well, I will allow that.

By Mr. Grossman:

Q. What efforts did you make—I will put it this way—what efforts did you make to find Cannalonga on that occasion?

(Testimony of Louis E. Young.)

Presiding Inspector: What day was this?

Mr. Grossman: Sunday.

Presiding Inspector: Sunday, Sunday afternoon?

By Mr. Grossman:

Q. Approximately what time was it that you unsuccessfully tried to find Cannalonga?

A. It was after lunch.

Q. What efforts did you make at that time to find Cannalonga?

A. I went to the Chief Engineer.

Q. Did you go to Cannalonga's room too?

A. Yes, and it was locked.

Q. Did you talk to the Chief Engineer about it?

A. Yes, I went to see the Chief Engineer.

Q. Did you see Cannalonga later that day?

A. Yes, I seen him in the afternoon and in the evening.

Q. Did Mr. Cannalonga work on those winches between [7233] three and six of that afternoon?

A. Yes, sir.

Q. Can you estimate about how much of the time between three and six that afternoon he worked on the winches?

A. Well, the winches were broke down practically half of the time from three to six.

Q. Was he working on the winches all the time that they were broken down?

A. Off and on, yes, back and forth.

Q. Do you have any procedure in your union which requires you to make any reports of the kind

(Testimony of Louis E. Young.)

of work that is done and any breakdowns there may be in the operations of the winches?

A. Yes; the organization went on record as to that for the simple reason that the employers claim lots of times a gang don't put in any work. We will go on a job and you will have to top your gear and lower your booms and uncover and possibly go into two or three decks to take out fifteen, twenty tons of cargo. By the time you do all this and go below and cover up, and coming back up, well, maybe two hours is gone. Well, if you only move a little bit of cargo it showed before that there was a lot of argument over that. Therefore, the union took it on themselves for us to make out the slips, to give certain times, whatever they do, uncovering and loading general cargo, lumber, stand-by or dunnage, laying dunnage, [7234] which on the American-Hawaiian it takes you half of that time to lay dunnage. You do about half work and half dunnage.

Q. On May 3rd and 4th did you make a report showing what work was done by your gang and showing the time that the winches were not operating?

A. Well, the first day it was short time.

Presiding Inspector: No; did you make such a report?

By Mr. Grossman:

Q. Did you make such a report generally?

A. Yes, I did.

Q. And to whom, if anyone, did you give copies of that report?

(Testimony of Louis E. Young.)

A. The walking boss.

Q. Was the walking boss a representative of the company? A. Yes, sir.

Q. Did you give any copies to anyone else?

A. Only to the union. I turned in my slips, the same as the ones to the walking boss.

Q. Did you give any copies to anyone except the walking boss and the union? A. No.

(Whereupon Mr. Grossman handed documents to Mr. Del Guercio.)

Mr. Del Guercio: I am through with these, if you are waiting for them.

By Mr. Grossman: [7235]

Q. Will you examine these papers I hand you and tell me what they are?

Mr. Del Guercio: I will object to them, your Honor. He has already testified from his recollection.

Presiding Inspector: —Yes, that is true.

Mr. Del Guercio: Regarding the same matter.

Presiding Inspector: But this question doesn't go any further than asking him what they are.

By Mr. Grossman:

Q. Will you identify them, please?

A. (Examining documents) Well, these are the slips I made out for the six days that I was on the ship, like for rigging time, for the cargo and hanging tent and—

Presiding Inspector: (Interposing) Well, is there one for each day?

The Witness: Yes, sir.

(Testimony of Louis E. Young.)

By Mr. Grossman:

Q. Are they made out in your handwriting?

Presiding Inspector: I don't think you need to go any further than that. Go ahead.

By Mr. Grossman:

Q. Are they made out in your handwriting?

A. Yes, sir.

Q. When did you make out the slip for May 3rd?

[7236]

A. I made it out on the job and hung it with the time sheets.

Q. On that same day? A. Yes, sir.

Q. When did you make out the slip for May 4th?

A. On the 4th, on the job.

Q. Well, will you explain why the slip for May 3rd doesn't show these various short breakdowns that you referred to on the winches?

A. Yes; on account I went to the walking boss and asked him if I should report them and he told me if it didn't carry to fifteen minutes not to bother with it, because if it went over fifteen, went fifteen minutes they would get half an hour, and he said he would take care of that.

Q. Was that the general practice on the waterfront there? A. Yes, yes.

Mr. Grossman: I want to offer in evidence, your Honor, the slip for May 3rd and the slip for May 4th.

Mr. Del Guercio: I will object to them.

Presiding Inspector: I will take these two. They were made in the course of duty.

(Testimony of Louis E. Young.)

The Reporter: Separate numbers, your Honor?

Presiding Inspector: Separate numbers. [7237]

(The documents referred to were received in evidence and marked Alien's Exhibits Nos. 60 and 61.)

Presiding Inspector: Anything further from this witness?

Mr. Grossman: Yes.

By Mr. Grossman:

Q. Was Mr. Cannalonga drunk at any time when you saw him on Sunday? A. No, sir.

Q. Are you sure of that? A. Yes, sir.

Q. Would you have tolerated or permitted, in so far as you had control over it, his working on those winches if you had thought he was drunk?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I don't think that is proper. You have got his direct statement.

By Mr. Grossman:

Q. What is the relationship between the safety of the men working cargo and the performance of the winches?

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: Isn't that perfectly obvious?

Mr. Grossman: I don't know whether it is or not. If you could stipulate it, all right. It is possible, I suppose, for some mechanical apparatus used by some workers to be defective without endangering

(Testimony of Louis E. Young.)

the workers or without endanger- [7238] ing them to any great extent. I think the relationship here is quite different in the sense it is more extreme.

Presiding Inspector: Can't we take it in a single answer?

Mr. Grossman: I beg your pardon?

Presiding Inspector: Can't we get this all in a single answer?

Mr. Grossman: I think we probably can.

Presiding Inspector: Go ahead, then.

Mr. Grossman: I have to lead him to get it in a single answer.

Presiding Inspector: Well, lead him then.

By Mr. Grossman:

Q. Will you state whether the improper functioning of these electric winches is dangerous to the workers who are handling cargo?

Mr. Del Guercio: I will object to the question, the form.

Presiding Inspector: Well, then, go into it in detail, if it is objected to. I thought we could expedite this.

Mr. Del Guercio: I don't think it is material or relevant.

Presiding Inspector: I have ruled that this is competent. Go ahead. I will take it.

Mr. Del Guercio: Well, I will withdraw my objection.

Mr. Grossman: All right, we will have the general [7239] question, then. Will you read the general question again?

(Testimony of Louis E. Young.)

Presiding Inspector: I will ask it.

Is there danger to the longshoremen working, I suppose, in the hold——

The Witness: (Interposing) Yes, sir.

Presiding Inspector: (Continuing) ——if the winches are not properly operating?

The Witness: Yes, sir; there is.

By Mr. Grossman:

Q. Do you know of your own knowledge whether the owner of the ship has to meet any costs or expenses—withdraw that.

Do you know of your own knowledge whether the owner of the ship has to pay the stevedoring company something or receive less from the stevedoring company for such occasions when the winches or other equipment of the ship is not operating?

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: I don't see how that is competent.

Mr. Grossman: It goes, your Honor—it is a small matter—but it goes to indicate the importance to the company of keeping the records, of accuracy in them since it means financial obligations too. In other words, it tends to show that there would be a check by the company on his statement because his statement might mean great expense to the company if it showed a breakdown of the winches. That is what I mean. [7240]

Presiding Inspector: Oh, I think it is too remote.

(Testimony of Louis E. Young.)

Mr. Grossman: Well, I agree it is a small matter; it tends to corroborate to a small extent.

By Mr. Grossman:

Q. Did you see Maurice Cannalonga on Wednesday, May 7th?

A. Yes, I saw him about 11:30.

Q. How do you fix the time?

A. We went to lunch at 11:00 o'clock, and to relieve hatch 5, and the whole gang practically, all but three or four men was underneath the platform of the winch in hatch 4 talking, and it was raining, and we were eating lunch there on a pile of lumber and some ladders when he came by.

Q. Where did you see him first?

A. Well, he came down off the bridge, the lower bridge.

Q. On the ship?

A. The bridge deck, we call it. He came down off the bridge deck and stepped on the lumber, him and some other man, small man, and they walked aft and they turned right around and left again.

Q. Where did they go, or, rather, where was the last place that you saw them?

A. We saw them come off the bridge and go back to the after hatch, hatch 5, and turn right around and go off again. [7241]

Q. Still on the ship when you last saw him?

A. That is as far as we seen him. [7242]

Q. That was about what time?

A. It was around 11:30.

(Testimony of Louis E. Young.)

Q. In the morning of Wednesday, May 7?

A. Yes, sir.

Mr. Grossman: You may cross examine.

Cross Examination

By Mr. Del Guercio:

Q. Now, we are speaking about Wednesday, May 7th. Are you sure you saw Cannalunga at 11:30 A.M. that morning? A. I am positive.

Q. Having in mind that Cannalunga testified that he got off that ship at about 10:00 or 11:00 and did not return—

Mr. Grossman: (Interposing) He didn't testify that way.

Presiding Inspector: You have the hour wrong.

Mr. Grossman: 7:30 was his testimony.

By Mr. Del Guercio:

Q. (Continuing) —that he went off that ship at 7:30, if that is correct, and he did not return there, would your testimony be the same?

A. Ask that question again.

Q. Cannalunga testified that he went off that ship at 7:00 or 7:30 and did not return to it. Having in mind the testimony of Mr. Cannalunga, would you say that you saw him at 11:30 A.M.?

A. I would.

Q. You are positive of that? [7243]

A. Yes, sir.

Q. Do you know who the man was that was with Cannalunga? A. No, I do not.

Q. Was he working on the ship?

(Testimony of Louis E. Young.)

A. I don't know.

Q. Do you know Mowery?

A. Yes, sir.

Q. Was it Jack Mowery?

A. No, it wasn't.

Q. Now, describe the man that was with Canalonga.

A. He was a little man, and he had on a dark pair of trousers; and he came down, him and Canalonga came off of the lower bridge.

Q. Where were they when you first saw them?

A. I was sitting underneath the platform on the winches facing the forward end of the ship.

Q. Were they sitting there when you first saw them?

A. Where?

Q. Were they sitting there?

A. No; I was sitting there.

Q. You were sitting—where were they?

A. They were walking.

Q. Walking from where to where?

A. Walking from the forward end of the ship aft, [7244] starboard side, coming down the bridge at hatch 4, and walked by the platform, and we were all sitting on a lumber pile eating our lunch. It was raining and we were sitting in the dry.

Q. This was Wednesday morning?

A. Wednesday morning, around 11:30, because we were having our lunch.

Q. It was raining?

A. Yes, sir.

Q. Now, did you see them come on the ship?

A. No, sir.

(Testimony of Louis E. Young.)

Q. Had you ever seen this man before, the short man that was with Cannalonga? A. No.

Q. Was he employed on the ship?

A. I do not know.

Q. Did you see him come on the ship?

A. I did not.

Q. Did you see Cannalonga come on the ship that morning? A. No, sir.

Q. Did you see him go off the ship?

A. No, sir.

Q. At any time that day? A. No, sir.

Q. Now, you have only described his height and the [7245] trousers he was wearing: Can you give us any other description of the man?

A. No, I can't. He was just a little man—that is all I know—because Cannalonga is a pretty big man and he was a small man.

Q. How tall is Cannalonga?

A. Well, I wouldn't say, but it is pretty good sized.

Q. Was he shorter than Cannalonga?

A. Yes.

Q. How much?

A. Well, I can't give no inches.

Q. Were they standing up beside each other?

A. They were walking together.

Q. How did their heights compare?

A. Probably four or five inches difference and probably 100 pounds in weight.

Q. You mean this other man was about four or five inches shorter than Cannalonga? A. Yes.

(Testimony of Louis E. Young.)

Q. Do you know how tall Cannalonga is?

A. I do not.

Q. If he were five feet four this other man would be about four feet nine?

A. I presume he would be.

Mr. Grossman: Just a minute. That arithmetic is bad. [7246] I don't think you have a right to—

Mr. Del Guercio: (Interposing). I didn't have a slide rule.

Presiding Inspector: All right.

By Mr. Del Guercio:

Q. Now, you say he was 100 pounds lighter than Cannalonga? A. He looked about that; yes.

Q. How long did you see him?

A. It was just a few minutes, when they walked down there, just like to the end of this court room and back.

Q. You didn't see him again that day?

A. No.

Q. Did you see him before 11:30?

A. No, sir.

Q. Did you see Cannalonga at any time prior to 11:30? A. No, I didn't.

Q. How do you fix the time at 11:30?

A. I was having lunch between 11:00 and 12:00.

Q. Do you always have your lunch at 11:30?

A. I go to lunch at 11:00 to relieve Hatch 4 at 12:00 o'clock.

Q. Do you always go to lunch at 11:00?

A. No; 12:00 o'clock. But whenever you relieve a hatch you go to dinner at 11:00. [7247]

(Testimony of Louis E. Young.)

Q. Did you relieve the hatch on Wednesday?

A. Yes.

Q. How do you know? A. Well, I know.

Q. Did you relieve the hatch on Tuesday?

A. I believe I did relieve a hatch on Tuesday—
Tuesday and Wednesday I believe I relieved.

Q. Both Tuesday and Wednesday?

A. I believe it was; yes.

Q. Did you relieve a hatch on Sunday?

A. No, I did not.

Q. Were you working Sunday? A. I was.

Q. Did you relieve a hatch on Saturday?

A. No, I did not.

Q. Now, do you have any records of having re-
lieved a hatch on Wednesday?

A. We always make records; yes.

Q. Do you have your records here?

A. I believe so.

Mr. Grossman: Here they are, Mr. Del Guercio.
Here is the 7th.

(The records referred to were passed to Mr.
Del Guercio.)

By Mr. Del Guercio:

Q. How long were you off work on Wednesday?

A. How long? [7248]

Q. Yes—for your dinner hour?

A. One hour.

Q. And when did you start?

A. We started in the morning and we were
off—

(Testimony of Louis E. Young.)

Q. (Interposing) When did you start your lunch hour on Wednesday?

A. 11:00 o'clock, I believe it was.

Q. When did you go back to work?

A. 12:00.

Q. From 11:00 to 12:00 you had your lunch hour?

A. Yes.

Q. Were the winches all right then?

A. In which hatch?

Q. In all the hatches?

A. They was never all right in no hatch.

Q. Hatch No. 5?

A. No. We had trouble with them there.

Q. Was Cannalonga working on the winches then?

A. No, he wasn't.

Q. Nobody was working on them?

A. No, sir.

Q. Trying to fix them?

A. No, sir.

Q. Was anything wrong with the winches before 11:00 o'clock on Wednesday morning? [7249]

A. Are you speaking of Hatch 4 or 5 now?

Q. Any hatch?

A. In our hatch, yes, we had trouble with them off and on continuously from the time we started to when we finished.

Q. Who fixed them?

A. Who fixed them?

Q. Yes.

A. Well, Cannalonga worked on them when he was there, I guess.

Q. Did you see Cannalonga work on them Wednesday morning?

A. No, I did not.

(Testimony of Louis E. Young.)

Q. Did you see anybody work on the winches Wednesday morning? A. No.

Q. Were they fixed?

A. They were not; they kept going like they were off and on.

Q. Then, nobody worked on any of the winches that were not operating right Wednesday morning?

A. No, sir.

Q. Huh? A. No, sir.

Q. How long have you known Cannalunga?

A. Well, I have seen him. To know him personally, I [7250] don't; but I see him.

Q. Do you know him to speak to him?

A. No, I didn't.

Q. Would you say that he hadn't been drinking at all on Saturday?

A. No, sir; he hadn't been drinking to my knowledge.

Q. Would you say that he hadn't been drinking?

A. I would, yes.

Q. Did you smell his breath?

A. No. I never went that far to go up and smell his breath.

Q. How about Sunday?

A. Well, the man worked all night on the winches and he was there and I was with him practically for 40 minutes in the morning.

Q. Would you say he wouldn't be able to work on the winches if he had been drinking?

A. Yes; he wouldn't be able to work on the winches if he had been drinking.

(Testimony of Louis E. Young.)

Q. Why not?

A. Well, a man—I have seen a few drunks and I have never seen one yet that could do anything.

Q. Do you ever get drunk?

A. Years ago; yes.

Q. But not since? [7251] A. No, sir.

Q. What union do you belong to?

A. Local 1-6, CIO; longshoremen's Union, International Longshoremen's and Warehousemen's Union.

Q. That is one of Bridges' unions?

A. Yes, sir.

Q. Who is the President of that union?

A. Brother Bridges.

Q. Brother Bridges, you say?

Presiding Inspector: That is what he said.

By Mr. Del Guercio:

Q. What is Craycraft's position with that union? A. I can't hear you.

Q. What is Craycraft's—do you know Rosco Craycraft? A. Yes, sir.

Q. What is his position with the union that you belong to?

A. Well, I think he is second Vice President now.

Q. Second Vice President. Has he talked to you at all about this case? A. Yes, sir.

Q. When? A. Monday morning.

Q. For the first time? A. Yes, sir. [7252]

Q. Had you talked to anyone else about the case?

(Testimony of Louis E. Young.)

A. Yes, sir. I talked to the attorneys when I got in town last evening.

Q. Did you talk to anybody about Cannalonga or about the case at any time after May 7, 1941 up to the time you saw Rosco Craycraft?

A. No, I didn't. I just seen the paper talk, or heard them talk, but otherwise, no.

Q. You had read the papers that Cannalonga had disappeared?

A. Yes; I seen that in the paper.

Q. You knew that on May—when did you know for the first time that Cannalonga had disappeared?

A. Oh, I don't know. I have been working nights ever since the 16th of last month, and I never got a day shift from then on. I have been working nights and I will tell you—

Q. (Interposing) When did you first learn that Cannalonga had disappeared?

A. Oh, I don't remember the date. I seen it in the paper. I don't know what paper it was or when.

Q. When with respect to the last time you saw Cannalonga on May 7, 1941?

A. Around 11:30 on that Wednesday.

Q. When did you read in the newspaper that Cannalonga had disappeared?

Presiding Inspector: With relation to that, when did [7253] you see it in the newspaper, that day, or two days later, or what?

A. I believe it was right that day or the next day.

(Testimony of Louis E. Young.)

By Mr. Del Guercio:

Q. Did you notify anyone that you had seen Cannalonga on Wednesday, May 7th?

A. No, I didn't.

Q. Did you tell Rosco Craycraft?

A. No, I didn't say nothing to nobody.

Q. Did you tell that to any official? A. No.

Q. When was the first time you said to anybody that you saw Cannalonga the last time on May 7, 1941? A. It was Monday.

Q. And that was to whom?

A. Rosco Craycraft.

Q. Where? A. In Portland, Oregon.

Q. What conversation did you have with Craycraft at that time—first of all, where did you meet Craycraft on that day?

A. Where did I meet him?

Q. Yes.

A. They left word in the hall.

Q. Who left word?

A. Rosco Craycraft—for me to get in touch with him. [7254] I had been away on a vacation for four or five days. And I don't know—probably he was trying to get ahold of me before.

Q. You hadn't told anything about that to Craycraft prior to that time? A. No.

Q. And he had left word in the hall for you to see him? A. Yes, sir.

Q. Where did you see him?

A. I seen him on the corner of—I seen him—

(Testimony of Louis E. Young.)

Q. (Interposing) Where were you to see him? Where did he tell—you say Rosco Craycraft left word to tell you to see him. You said he left word in the hall for you to see him? A. Yes.

Q. Where were you to meet him?

A. I was to meet him down in the Secretary's office.

Q. When? A. Monday morning.

Q. Monday morning? A. Yes, sir.

Q. Did you go to see him Monday morning?

A. I did, about 7:45.

Q. What was the first thing that was said?

A. Well, he had these time slips. He looked them up, I presume, to see on that ship what—

Presiding Inspector: What did he say to you?

[7255]

A. (Continuing) He asked me if I would come down here and testify.

By Mr. Del Guercio:

Q. That was the first thing he said?

A. Yes, sir. He asked if those slips were correct, and I told him, "Certainly. That is what we make them out for."

Q. What else was said?

A. That is all. He asked if I would come down to testify.

Q. Was anyone else present while you were talking to Craycraft on Monday?

A. No. There were two men in there but they walked out when I came in.

(Testimony of Louis E. Young.)

Q. Tell us all that Craycraft said to you?

A. Tell you what?

Q. All that Craycraft said.

Presiding Inspector: Do you remember anything else besides what you have said?

A. No. He read these slips over and said we would go up to the employer's office and get an affidavit of them, and get the other time slips that corresponded with them.

By Mr. Del Guercio:

Q. Did he ask you if you knew whether Cannalonga had been drinking on Saturday, May 4th?

A. Yes, I believe he did. [7256]

Q. I mean Saturday, May 3rd?

A. Yes, sir.

Q. Did he ask you if you knew Cannalonga had been drinking on Sunday, May 4th?

A. I believe he did.

Q. What did you say? A. I told him no.

Q. Do you know whether or not Cannalonga had been drinking on those two days—can you testify that Cannalonga was not drinking on either Saturday or Sunday?

A. He sure can hold his liquor if he was.

Q. If you knew that Rosco Craycraft himself had testified that he saw Cannalonga drinking on Saturday will you change your testimony?

Mr. Gladstein: I will object to that as argumentative and improper, Your Honor.

Presiding Inspector: Well—

(Testimony of Louis E. Young.)

The Witness: (Interposing) I would like to answer that.

Presiding Inspector: He said he would like to answer. So you will withdraw your objection?

Mr. Gladstein: All right.

Presiding Inspector: Go ahead.

A. A man can take a drink, anybody can take a drink and not be drunk.

By Mr. Del Guercio: [7257]

Q. Then Cannalunga might have been drinking Saturday and Sunday?

A. I would never say the man might not have had one drink.

Q. When is a man drunk in your opinion?

A. When a man is drunk he staggers.

Q. Is that the only time he is drunk, when he staggers?

A. Or laying down.

Q. So that when you testified that Cannalunga was not drunk on either Saturday or Sunday, you mean that he was not staggering and he was not laying down? A. Yes, sir—was on the job.

Q. Did Craycraft ask you on Monday as to when you had last seen Cannalunga?

A. Yes, sir.

Q. Huh? A. Yes, sir.

Q. What did you say?

A. I told him I saw him Wednesday.

Q. At what time—did he ask you the time you saw him?

A. He asked the time and I told him 11:30.

(Testimony of Louis E. Young.)

Q. Did he suggest the time might have been 11:30? A. He did not. [7258]

Q. You knew it was 11:30 without him fixing the time? A. I did.

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: Anything further with this witness, Mr. Del Guercio?

Mr. Del Guercio: Oh, yes indeed.

By Mr. Del Guercio:

Q. To go back to this Wednesday morning to the time you saw Cannalunga, there is no question in your mind, is there, that you saw Cannalunga that day at 11:30? A. Not a bit.

Mr. Del Guercio: Not a bit.

Now, if the Court please, may I request that you explain to this witness the penalty of perjury?

Presiding Inspector: No, I shan't do that.

Mr. Del Guercio: We have conclusive evidence—

Presiding Inspector: Very well, but I can't make any explanation. Of course, false swearing in this proceeding is perjury, willful false swearing on any material point, at least.

By Mr. Del Guercio:

Q. Do you understand that?

Presiding Inspector: Yes, he understands that. They all understand it. [7259]

There is no suggestion from me of anything which should affect you in any way.

The Witness: Yes.

(Testimony of Louis E. Young.)

Mr. Del Guercio: We don't want to threaten or coerce the witness in any manner. We want him to know——

Presiding Inspector: That is merely at your request.

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. Now, if you knew that Cannalunga got a bus for Seattle at 8:00 o'clock Wednesday morning, would that change your—between 8:30 and 9:00—would that change your testimony?

Mr. Gladstein: I object to that as being improper and argumentative.

Presiding Inspector: No foundation for it.

Mr. Gladstein: Correct.

Presiding Inspector: If he got on a bus at 8:00 o'clock why I suppose it would be inconsistent with his statement, unless he got off the bus and came back.

Mr. Del Guercio: Do you allow the question?

Presiding Inspector: No, I don't allow the question. It is asking whether black is the same as white.

By Mr. Del Guercio:

Q. How was Cannalunga dressed when you saw him on Wednesday? [7260]

A. At what time, at 11:30?

Q. How many times did you see him on Wednesday?

A. Well, I didn't know whether you was speaking of Saturday, Sunday or Wednesday.

(Testimony of Louis E. Young.)

Q. I am speaking of Wednesday, May 7th.

A. I think he had khakis on.

Q. You didn't see him more than once on—

A. (Interposing) That is all I seen him on Wednesday.

Q. What kind of shirt was he wearing?

A. Khaki.

Q. Did he have a coat on?

A. No, I don't believe he did.

Q. Do you know what kind of a hat or cap he was wearing?

A. No, I don't. I don't believe he—he didn't wear a hat on the whole job.

Q. Did this other man that was with him have a hat?

A. No, he didn't. It was not noticeable if he did.

Q. Did either this short man or Cannalonga have anything in their hands?

A. No; they didn't have a thing.

Q. Do you know how much Cannalonga weighs?

A. Well, no, I don't; but I presume he weighs around 215 pounds.

Q. 215 pounds. And you say this other man that you saw weighs about 100 pounds less? [7261]

A. Yes. He was a small man; he was a little man.

Q. How many times had you seen Cannalonga all together, that is, from the time you were working on the ship?

A. Well, when I was on deck I saw him prac-

(Testimony of Louis E. Young.)

tically every few minutes running from one end to the other on them winches.

Q. How long have you known Rosco Craycraft?

A. Well, I believe I have known him from about 1932.

Q. How many pounds does Rosco Craycraft weigh? A. He weighs about 220 or 215.

Q. Cannalonga weighs more than Craycraft, or about the same?

A. About the same, I presume; possibly a little bit heavier, fatter.

Q. About the same height, Cannalonga and Craycraft?

A. Well, I wouldn't say as to the height; I don't know.

Q. Huh? A. I don't know.

Q. Compare their heights—you know both men.

A. Well, I couldn't say as to inches shorter or longer.

Q. Did you ever see Craycraft with Cannalonga? A. No, I never did; I never did.

Q. Did you ever see Cannalonga and Mowery together? A. No, I didn't.

Q. Jack Mowery? A. No, sir. [7262]

Q. Did you ever see Craycraft aboard the West Cussetta at any time?

A. No, I have never seen him on that ship. I heard he was down there, but I never seen him.

Q. Did you ever see Burt Nelson around that ship? A. I don't know him.

(Testimony of Louis E. Young.)

Q. You don't know Burt Nelson? A. No.

Q. Now, have you told us all the conversation you had with Craycraft on Monday?

A. Yes, sir.

Q. You can't think of anything else?

A. No, sir.

Q. Do you know how long Cannalonga was absent from the ship on Sunday?

A. No, I don't. I know he was gone a while, but I don't know.

Q. Were the winches operating while he was gone?

A. No. They were the same way from the start to the finish on Sunday.

Q. Did you know that Craycraft had taken him off the ship, or had requested that he go off on Sunday?

A. I told you I never seen Craycraft and him together.

Q. Where was the ship docked on Monday—on Wednesday, May 7th? [7263]

A. Terminal 1 in the slip, at the old American-Hawaiian dock.

Q. What terminal were you working on on Thursday, May 8th? A. On Thursday?

Q. Yes.

A. We went to Terminal 4, but the ship didn't get there, so we stood by.

Q. Where was the ship on Thursday?

A. It was at the home dock.

Q. What terminal was that?

(Testimony of Louis E. Young.)

A. That was Terminal 1 in the slip, now called the Pan-American.

Q. Were you working on the ship at all on the 8th?

A. No. That was Thursday. We didn't—we got two hours from stand-by time, from 7:00 to 9:00. They sent us home at half past eight.

Q. Where were you standing by?

A. Terminal 4.

Q. The ship was not there?

A. No; it didn't come in.

Q. Do you know where it was?

A. Yes; it was the Pan-American dock, Terminal 1.

Q. Were you on the ship Thursday night?

A. No. I didn't go back. A new gang came on. When [7264] you have any time, when you go on a ship, and get knocked off, they send in another gang.

Q. Do you know Rodman?

A. I beg your pardon?

Q. Do you know Rodman? A. No, sir.

Q. Have you ever heard that name before?

A. No, sir.

Q. Have you spoken to anyone on the Harry Bridges Defense Committee?

A. Well, in what way do you mean?

Q. About this case?

A. No; only just to Rosco Craycraft and to the attorneys last night; that is all.

(Testimony of Louis E. Young.)

Q. Did Craycraft tell you that he was on the Harry Bridges Defense Committee?

A. Well, I presume he is. He is an official of the organization?

Q. An official of your organization?

A. Yes.

Q. Can you fix the time more definitely that Cannalonga was absent from the ship on Sunday?

A. No. The only thing I know, I think it was after lunch that I tried to get ahold of him, and I went to the Chief Engineer, and they were fixing the engines, and they had a bunch of men there working, machinists, and he said, [7265] "I have got all I can"——

Q. (Interposing) When did you see Cannalonga the last time on Sunday?

A. It was in the afternoon.

Q. Did you see him in the morning?

A. Yes; I seen him from a quarter to seven to seven thirty.

Q. When was the last time you saw him in the morning?

A. He came to the winches, I think, around 8:30 or 9:00 and he says, "How are they running?"

Q. Did you see him after 8:30 in the morning?

A. No; I didn't see him after that no more.

Q. What time did you see him again in the afternoon?

A. Between 3:00 and 6:00.

Mr. Del Guercio: That is all.

Presiding Inspector: Is that all?

(Testimony of Louis E. Young.)

Mr. Grossman: We have one or two questions.

Mr. Del Guercio: One question.

By Mr. Del Guercio:

Q. What is your address in Portland?

Presiding Inspector: He has given it.

Mr. Del Guercio: He has?

Presiding Inspector: Oh, yes.

By Mr. Del Guercio:

Q. How old are you? [7266]

A. 43 years old.

Redirect Examination

By Mr. Grossman:

Q. Was Cannalunga's speech normal Saturday and Sunday?

A. Yes, it was, from what I talked to him.

Q. Could you understand him when you spoke to him?

A. Yes, sir.

Q. Did he seem to have control of his hands and his feet and all that?

A. Yes. He was very agreeable and he tried to do everything he could to help.

Q. Did you see anything abnormal about his physical behavior?

Presiding Inspector: Hasn't he already answered that?

Mr. Grossman: Not this question. The only reason I am going into it is because Mr. Del Guercio implies that this witness doesn't know when a man is sober or drunk. I am going into his

(Testimony of Louis E. Young.)

physical characteristics, but this is the last question, your Honor.

Presiding Inspector: All right.

By Mr. Grossman:

Q. Did you see anything abnormal about his physical behavior at any time on Saturday or Sunday?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will take it. [7267]

A: No; I never seen nothing wrong with him at all.

Mr. Grossman: That is all.

Presiding Inspector: That is all.

(Witness excused.)

Mr. Gladstein: I will call the next witness.

Mr. Grossman: Your Honor, I wonder if, especially considering the fact that Mr. Cannalunga has been sitting in the court room, whether Mr. Young can sit here after his testimony?

Presiding Inspector: I see no objection to it.

Mr. Del Guercio: We object. We have excluded Cannalunga and this witness should be excluded.

Presiding Inspector: I said I saw no objection to it. If counsel sees an objection, he may be excluded.

Mr. Del Guercio: We have other reasons in mind that we don't care to disclose.

Presiding Inspector: You don't have to; you are well within your rights.

RAY D. SHOEMAKER

called as a witness in surrebuttal on behalf of the Alien, having been previously duly sworn, testified further as follows:

Direct Examination

By Mr. Gladstein:

Q. Mr. Shoemaker, you have already been a witness? A. Yes. [7268].

Q. You have already testified in this case, have you not? A. I have.

Q. I call your attention to the Sunday in May when you were present in the office of Mr. Lord, at which time there were present also Mr. Rosco Craycraft, Mr. Cannalunga and myself. Do you have that incident in mind? A. Yes, sir.

Q. Now, during that period of time did you have a good opportunity to observe whether or not Mr. Cannalunga exhibited anything indicating that he was under the influence of liquor?

Mr. Del Guercio: I will object to that as being leading and improper.

Presiding Inspector: Well, I think it is perfectly competent for a lay witness to say whether or not a person with whom he comes in contact is drunk or sober. That is what this question is directed to.

By Mr. Gladstein:

Q. Did you have such an opportunity?

A. I did have that opportunity.

Mr. Myron: Is it your question that is pending, your Honor?

(Testimony of Ray D. Shoemaker.)

Presiding Inspector: No; that he had an opportunity to observe him.

Mr. Myron: I think your question is a proper question, [7269] your Honor, and we won't object to it.

Presiding Inspector: That is a proper question.

Mr. Myron: Yes. Their question is not proper. It is very suggestive.

Presiding Inspector: He is telling what opportunity he had for observation.

By Mr. Gladstein:

Q. Will you state, Mr. Shoemaker—

Presiding Inspector: Although, I think we have had a great deal of this.

By Mr. Gladstein:

Q. Will you state what that opportunity to observe Mr. Cannalonga, as to whether or not he was in an intoxicated state, consisted of?

A. Well, he was introduced to me. I shook hands with him. I sat there across the table from him for about an hour taking shorthand notes of his statement.

Presiding Inspector: Was it directly across the table?

The Witness: Well, at about as far as from here to the stenographer, your Honor.

Presiding Inspector: Eight or nine feet, ten feet?

The Witness: About five feet, I believe.

(Testimony of Ray D. Shoemaker.)

By Mr. Gladstein:

Q. Did you have an opportunity to observe his face? A. I did.

Q. His eyes? [7270] A. I did.

Q. His movements? A. I did.

Q. Did you have an opportunity to see him walk? A. Yes, sir.

Q. Did you have occasion to ask him to spell words for you? A. On one or two occasions.

Q. That is, during the taking of the statement?

A. Yes, sir.

Q. Based on your observations that day, Mr. Shoemaker, will you state whether or not Mr. Cannalunga was drunk or sober?

A. He was sober.

Q. Now, at any time during that morning did Mr. Cannalunga exhibit to your observation anything that would indicate that he was under intimidation, or duress, or coercion of any kind?

A. He did not.

Mr. Gladstein: Cross examine.

Mr. Del Guercio: Mr. Myron will cross examine.

Presiding Inspector: Mr. Myron?

Cross Examination

By Mr. Myron:

Q. When were you first advised to come to Mr. Lord's [7271] office?

A. About 9:00 or shortly after 9:00 on Sunday morning.

Q. How were you advised?

(Testimony of Ray D. Shoemaker.)

A. By telephone.

Q. By whom? A. Mr. W. P. Lord.

Q. What did he say to you?

A. He said he wanted me to take a deposition in his office about 11:00 o'clock that morning.

Q. For whom? A. He didn't say.

Q. Did he say who was going to question the witness? A. He did not.

Mr. Del Guercio: May I have that deposition, please?

By Mr. Myron:

Q. What else was said?

Presiding Inspector: Just a moment. Mr. Del Guercio wants that deposition.

Mr. Del Guercio: I made a mistake. I didn't mean to say "deposition".

Presiding Inspector: It doesn't make any difference what it is called.

(Whereupon the exhibit referred to was passed to Mr. Del Guercio.)

Mr. Myron: Is there a question pending? [7272]

The Witness: Yes—what else was said, I believe.

By Mr. Myron:

Q. Yes—in this telephone conversation.

A. Yes. I told Mr. Lord that my boy was going to play baseball that day, and I thought that I was going to have to take him out of town for the purpose of playing baseball, and I didn't want to take the deposition if I could get some-

(Testimony of Ray D. Shoemaker.)

body else to do it. I tried to get ahold of John Michelet—M-i-c-h-e-l-e-t—who is a reporter in the court house in Portland. I couldn't get ahold of John so I asked my boy if he was going to play, if it was necessary to take him out to play ball. He said it was raining and the game was called off. So I called up Mr. Lord about 9:30 and told him I would be there at 11:00 o'clock to take the deposition.

Q. This is the second conversation you had with Mr. Lord? A. Yes.

Q. On the telephone? A. Yes.

Q. The second conversation? A. Yes.

Q. What was the first conversation?

A. The first conversation—he asked if I could take a deposition in his office about 11:00 o'clock.

Q. That was all? A. Yes. [7273]

Q. And you said you would find out?

A. I told him about my boy going to play baseball and I would see if I couldn't get somebody else.

Q. And you called him later on?

A. About five minutes later.

Q. What time was that?

A. Oh, it was between 9:00 and 9:30.

Q. What time did you arrive at Mr. Lord's office? A. Eleven o'clock.

Q. What time? A. Eleven o'clock.

Q. Who was there then? A. Mr. Lord.

Q. Anybody else? A. Nobody else.

(Testimony of Ray D. Shoemaker.)

Q. What conversation did you have with Mr. Lord at that time?

A. We sat there and talked about things in general. He was talking about a certain book he was reading, and just other things in general.

Q. Did he tell you who was going to be there?

A. He did not.

Q. Anything about the taking of this statement? A. He did not.

Q. He didn't mention the statement in the conversation [7274] with you? A. He did not.

Q. How long did you remain there before anybody else came into the room?

A. About an hour.

Q. That would be about 12:00 o'clock?

A. 12:00, or a little after.

Q. Who came into the room then?

A. Mr. Gladstein, Mr. Cannalonga and Mr. Craycraft.

Q. The three of them together? A. Yes.

Q. Was that the first time that you learned that Mr. Gladstein and Mr. Craycraft were to be there? A. It was.

Q. You are sure Lord said nothing to you about that?

A. I don't remember; if he did I certainly don't remember it.

Q. Were you surprised to see Mr. Gladstein?

A. I didn't know Mr. Gladstein. I didn't know what it was all about.

Q. Were you surprised to see Mr. Craycraft?

(Testimony of Ray D. Shoemaker.)

A. I didn't know Mr. Craycraft.

Q. What was done after they were all in the office?

A. They introduced, Mr. Lord introduced Mr. Gladstein to me, Mr. Craycraft and Mr. Cannalonga. Then Mr. Lord swore [7275] Mr. Cannalonga and I started taking the statement.

Q. Mr. Lord introduced you to Mr. Cannalonga?

A. No. He introduced me to Mr. Gladstein.

Q. Mr. Gladstein? A. Yes.

Q. And then who introduced you to Cannalonga?

A. I believe Mr. Gladstein did; I wouldn't be sure.

Q. How did he introduce you?

A. He just said, "This is Mr. Cannalonga and this is Mr. Craycraft."

Q. Then what was done?

A. Then Mr. Lord was asked to swear Mr. Cannalonga and to have his statement taken.

Q. After Cannalonga had been sworn did they start to question immediately?

A. As I recall, they did.

Q. What is that?

A. As I recall it, they did.

Q. Now, did anybody leave the room prior to the beginning of this examination, or inquiry?

A. I think Mr. Craycraft went down to speak — I think Mr. Lord's wife was sitting out in front in an automobile, and I think that he told Mr.

(Testimony of Ray D. Shoemaker.)

Craycraft to go down and tell her that he was going to be there for a while, or something. I don't remember just exactly. [7276]

Q. When did he go out?

A. Well, it was right about the time we started taking the deposition.

Q. How many questions had been asked?

A. I don't know.

Q. Approximately?

A. I wouldn't be able to say. [7277]

Q. What is that?

A. I wouldn't be able to say that.

Q. Now, how long was he gone?

A. I don't know that.

Q. Approximately?

A. Well, I was sitting there taking a statement. I don't know when he came back.

Q. Well, did he come back?

A. I saw him in there later.

Q. How long afterwards, after he had left the room?

A. I saw him when we finished taking the statement.

Q. Is that the first time you saw him after he left the room at the beginning of the statement?

A. Well, I don't remember. I was taking that statement. I don't remember whether he—

Q. (Interposing) Now, give us your best recollection?

A. Yes, I think I saw him in there again. I think I glanced over and he was sitting there on

(Testimony of Ray D. Shoemaker.)

the east window, by the east window just before we got through taking the statement.

Q. You don't remember him being in the room from the time that he first left, which was at the beginning of the statement, until towards the end of the statement; is that right?

A. I don't remember anything about it. My attention [7278] was directed to the taking of the statement from Mr. Cannalunga. I was not interested in Mr. Craycraft at all.

Q. Now, did anybody else leave the room during the taking of this deposition?

A. Yes, Mr. Cannalunga left the room once for about three or four minutes.

Q. When was that?

A. Oh, along towards the latter part of the statement; I imagine about, oh, ten minutes to one, something like that, about in there.

Q. That was the only time he left the room?

A. That is the only time that he left the room until he left for good.

Q. That was the only time he left the room from the beginning of the taking of this statement, is that right?

A. Yes, as I remember it.

Q. And who was with Mr. Cannalunga when he left the room on that occasion?

A. Well, I think Mr. Lord went out with him?

Q. Did Mr. Cannalunga come back then?

A. Yes, he came back.

Q. Did Mr. Lord come back?

(Testimony of Ray D. Shoemaker.)

A. Yes, I think Mr. Lord came back and stood in the doorway, both of them stood in the doorway after he came back.

Q. This was after the statement had been completed? [7279]

A. No, not after the statement had been completed, because Mr. Gladstein asked him two or three questions while he was standing there by the door.

Q. While Mr. Cannalonga was standing by the door? A. Yes, sir.

Q. And where was Mr. Lord at this time?

A. As I remember, Mr. Lord was standing right there by him.

Q. With Mr. Cannalonga? A. Yes, sir.

Q. And Mr. Gladstein was asking him questions? A. Yes, sir.

Q. Asking Mr. Cannalonga questions, is that right? A. Two or three.

Q. And then what happened?

A. Well, then, Cannalonga refused to answer any more questions and walked out.

Q. Did Mr. Cannalonga go out there then?

A. Yes, he walked out.

Q. And who went with Mr. Cannalonga?

A. Nobody.

Q. He went out alone? A. Yes, sir.

Q. Did he come back? A. He did not.

Q. Now, did anybody else leave the room after that? [7280]

A. Not—no. Mr. Lord and I—let's see—after

(Testimony of Ray D. Shoemaker.)

Cannalunga left, then, Mr. Lord said he was going down to see his wife. I picked up my books and left. Mr. Craycraft and Mr. Gladstein were sitting in the room at the time I left.

Q. Where was Mr. Lord?

A. Mr. Lord went down to his wife.

Q. He left before you did? A. Yes, sir.

Q. And after Mr. Cannalunga, is that right?

A. And what?

Q. After Mr. Cannalunga?

A. A few minutes after, yes. We stood there for maybe three or four minutes after Cannalunga left and then Mr. Lord left and I left.

Q. Now, that was the only occasion that Mr. Cannalunga left the room during the taking of this statement, is that right.

Mr. Gladstein: What is the question? Will you read it?

Presiding Inspector: You mean the two that he has given, the two occasions?

Mr. Myron: He has already given one, I think, your Honor.

Presiding Inspector: He has given one when he went out and came back and he gave the second when he went out and didn't come back. [7281]

Mr. Myron: May I question the witness on that, your Honor?

Presiding Inspector: That is what you brought out yourself.

— Mr. Myron: I don't believe so, your Honor. I would like to have his testimony.

(Testimony of Ray D. Shoemaker.)

Presiding Inspector: Now, let me tell you what I understood.

Mr. Myron: It will only be one question. May I ask him that?

Presiding Inspector: Why, sure.

By Mr. Myron:

Q. How many times did Mr. Cannalonga leave the room?

Presiding Inspector: You mean and come back?

Mr. Myron: Before the statement had been completed.

Presiding Inspector: No, because that is a little doubtful, the meaning of that. The statement, in a way, went on afterwards, after Cannalonga went out; that is his testimony, and that is what appears in the deposition.

By Mr. Myron:

Q. When I say the completion of the statement I mean when you had finished writing.

A. Oh, I see.

Q. Now, how many times prior to that did Mr. Cannalonga leave the room?

A. Twice. [7282]

Q. From the beginning?

A. As I remember.

Q. Twice? A. Yes, sir.

Q. And on the first occasion who accompanied Mr. Cannalonga out of the room?

Mr. Gladstein: It has been asked and answered, your Honor.

Presiding Inspector: Yes, I think so. I will allow him to ask it again.

(Testimony of Ray D. Shoemaker.)

A. As I remember, Mr. Lord went out with him.

By Mr. Myron:

Q. And on the second occasion Mr. Cannalonga left the room alone? A. That is right.

Q. Now, how many times did Mr. Craycraft leave that office during the taking of the statement?

A. Well, as I say, as I remember, Mr. Lord told him to go down and tell his wife that we were liable to be up there for some time. That is as I remember it and that is all I remember about it.

Q. I show you what purports to be a statement of Maurice Cannalonga designating you as a short-hand reporter and ask you if you can identify that as the record which you took on that occasion? [7283]

A. (Examining document): That is the carbon copy, yes.

Q. Now, you state there that "This statement was taken in the presence of William P. Lord and Richard Gladstein, attorneys; Rosco Craycraft and Ray D. Shoemaker." A. That is right.

Q. Was that true? A. Yes, sir.

Q. Was Mr. Craycraft there?

A. Well, he was there as far as I know.

Q. Well, isn't it your testimony that he left the room?

A. He left the room for a few minutes but I noticed him there again. I told you I noticed him again, didn't I?

Q. Then, he was not there when you took this statement, is that right?

A. Well, it is pretty technical.

Q. Well, isn't it true?

(Testimony of Ray D. Shoemaker.)

A. Yes, he was there.

Mr. Gladstein: I think the witness—

By Mr. Myron:

Q. (Interposing): He was not there during the taking of this statement, was he?

A. I say he was.

Q. Is it your testimony that he left the room to go down to the car where Mrs. Lord was sitting?

Mr. Grossman: Your Honor, I think it has gone far [7284] enough.

Presiding Inspector: Yes.

Mr. Grossman: Obviously being there is ambiguous. One might be there part of the time or all the time. I don't think Mr. Myron should be permitted to play on words that way.

Mr. Myron: I think that is uncalled for, your Honor.

Presiding Inspector: I think it is perfectly clear, what he means, but you may ask.

Will you read it, please?

(The question referred to was read by the reporter as above recorded.)

A. It is.

Presiding Inspector: He has already testified to that half a dozen times. The next question.

By Mr. Myron:

Q. And it is true, is it your testimony that you don't remember him coming back into that room?

A. No, I don't.

Q. And is it your testimony that it was sometime

(Testimony of Ray D. Shoemaker.)

after or near the close of the statement that you saw him for the first time again in that room?

A. As I said, I glanced over towards the east window and he was sitting there on a chair.

Q. Then, he was not present in that room during the taking of this statement, is that right? [7285]

A. As far as I know, he was.

Q. He was not there during the taking of a good portion of it?

A. Well, as far as I know he was; I saw him over there. I don't suppose it took him very long to tell Mrs. Lord what he was supposed to tell her.

Q. Well, you didn't see him there; is that true?

Presiding Inspector: He has told you that he didn't notice him for some little time. You have got all that in the testimony.

By Mr. Myron:

Q. Did you see anybody else in that room at any time during the taking of this statement?

A. I did not.

Q. Other than the persons you have already mentioned?

A. I did not.

Q. Where was Mrs. Lord?

A. As far as I know, she was sitting in the car down at the front—

Q. (Interposing): How do you know that?

A. Hearsay.

Q. What is that?

A. Hearsay.

Q. Who told you?

A. By Mr. Lord telling Mr. Craycraft to go down and tell her that we were up there. [7286]

(Testimony of Ray D. Shoemaker.)

Q. Now, did you see Mrs. Lord at any time after that? A. I did not.

Q. How soon after Mr. Lord left the room did you leave? A. About a minute.

Q. How long? A. Oh, about a minute.

Q. About a minute after?

A. Thirty seconds.

Q. How did you leave the building, leave the floor—

A. (Interposing): By elevator.

Q. (Continuing): —on which this office is located? A. By elevator.

Q. Did anybody go down the elevator with you?

A. No, sir.

Q. Did you see Mrs. Lord or Mr. Lord after you left the room? A. I did not.

Q. Did you see Cannalunga? A. I did not.

Q. Did you see them at any time downstairs?

A. I did not.

Q. And you left about a minute after Mr. Lord left the office?

A. Just about; that is as I remember it.

Q. Was there any conversation in that room about [7287] finding a key to the lavatory at any time? A. I don't remember of any.

Q. Did Mr. Cannalunga leave the room for that purpose as far as you know?

A. Yes, I believe he did.

Q. When? A. The first time he went out.

Q. Now, who went with him on that occasion?

Mr. Grossman: Do you mean who left with him?

(Testimony of Ray D. Shoemaker.)

This witness may not have been in a position to know.

A. I think he left alone. I didn't notice anybody go with him.

By Mr. Myron:

Q. And who was in the office at the time that he left to go to the lavatory?

A. Oh, yes, now I do remember. Craycraft was in the office at that time.

Q. Who else? A. Sir?

Q. Who else?

A. Mr. Gladstein and myself and Mr. Lord, and that is when Mr. Lord went out.

Q. Mr. Lord and Mr. Cannalonga?

A. Yes, sir.

Q. Went to the—

A. (Interposing): They went out together.

[7288]

Q. Went out together? A. Yes, sir.

Q. Now, do you recall whether Mr. Cannalonga said he was feeling sick at that time?

A. He did not.

Q. What was the conversation, if you can remember it?

A. He just said he wanted go to the lavatory is all.

Q. And then left the room? A. Yes.

Q. Mr. Lord left with him?

A. Mr. Lord told him he would show him where it was, as I remember.

Q. Is that the occasion that you referred to previ-

(Testimony of Ray D. Shoemaker.)

ously when Mr. Lord and Mr. Cannalonga went out for the first time? A. Yes, sir.

Q. And there was only one other occasion when Mr. Cannalonga left the room; that was the final leaving? A. That is the way I remember it.

Q. Now, this transcript shows, or indicates that on two occasions the witness left the room, and to refresh your memory I will show you the transcript.

A. (Examining transcript): That is right.

Q. Now, those are the two occasions that you refer to? A. Yes, sir. [7289]

Q. In your testimony here?

A. When he left the room I made a notation in my notes.

Q. And those were the only two occasions that he left the room?

A. As I remember. I put it in my notes at the time he left the room.

Q. Now, after the proceedings started and during the time they proceeded until the completion did you take down all the remarks, conversation that were made in that room?

A. All except those little conversations I told you about when he wanted to go to the toilet I didn't.

Q. Those were the only remarks that you didn't take down or put down?

A. As I remember, yes. Well, I was there to take down all the remarks and I attempted to do that.

Q. Well, what you mean by that is when you stated the witness left the room—

A. (Interposing): Well, of course, that is just

(Testimony of Ray D. Shoemaker.)

a notation to show what happened, and to explain the transcript I put that in.

Presiding Inspector: (Interposing) You didn't put down the request of Mr. Lord—

The Witness: (Interposing) No.

Presiding Inspector: (Continuing) —to Mr. Craycraft [7290] to go down and see about his wife?

The Witness: No; I don't think that was a part of the transcript.

Presiding Inspector: But what you mean is that you put down all of the questions and answers as between Mr. Gladstein and Mr. Cannalunga?

The Witness: That is right, your Honor.

By Mr. Myron:

Q. Was there any conversation between Mr. Lord and Mr. Cannalunga in regard to securing the services of a lawyer for Mr. Cannalunga?

A. Not in my presence.

Q. You didn't hear any such remark?

A. I did not.

Q. Was there any occasion during the taking of this statement when Mr. Lord took—strike that out.

Was there any indication to you that Cannalunga was laboring under any strain during the taking of this statement? A. No, not to my opinion.

Q. At the time that Mr. Lord took Cannalunga out of the room was there any manifestation on Cannalunga's part which indicated to you that Lord took him out of the room for the purpose of advising him that he needed a lawyer's advice?

Mr. Gladstein: Well, I don't have any objection

(Testimony of Ray D. Shoemaker.)

to the witness trying to answer that but I don't see how there could be any manifestation of the character called for in that [7291] question, your Honor. I don't see how that could be unless he is asking him for speech or conversation.

Presiding Inspector: I don't know. Maybe the witness can answer.

The Witness: It would be merely opinion on my part, your Honor.

Presiding Inspector: Of course, it is your opinion. They want your opinion.

The Witness: I don't believe the witness was under any strain whatever.

Presiding Inspector: That is all you want, isn't it?

Mr. Myron: Yes, your Honor.

Mr. Gladstein: Are you finished?

Mr. Myron: Just a minute.

By Mr. Myron:

Q: Now, when did you transcribe your notes?

A: The same afternoon.

Q: Did you give a transcription of the record to anybody?

A: I sent two copies of it by Air Mail that same afternoon.

Q: To whom? A: To Mr. Gladstein.

Q: Did you give a copy to anybody else?

A: I did not. [7292]

Q: Did you talk with Mr. Lord about this case?

A: I have not.

(Testimony of Ray D. Shoemaker.)

Q. Did you talk with anybody prior to the time you were called here to the witness stand?

A. I talked to Mr. Gladstein for about five minutes.

Q. That was prior to the time that you took the stand here before?

A. This morning. Oh, you mean——

Q. (Interposing): Well, you were a witness previously.

A. The other day, oh, yes. I talked to him about five minutes.

Q. Prior to that time? A. Yes, sir.

Q. You haven't talked with anybody else?

A. I have not.

Mr. Myron: I think that is all.

Redirect Examination

By Mr. Gladstein:

Q. Mr. Shoemaker, at any time while you were in the office of Mr. Lord and while Mr. Cannalonga and the others whom you have named were there, or any of them were there, did Mr. Cannalonga ever say the following or in substance the following "What are you guys trying to pull or to pull off?"

A. I heard no such remark.

Mr. Gladstein: That is all. [7293]

Presiding Inspector: That is all.

The Witness: What is gentleman's name. May I answer a question that he asked?

Presiding Inspector: Mr. Myron.

The Witness: Mr. Myron. You asked me if I talked to anybody about this case since the time I

(Testimony of Ray D. Shoemaker.)

was here and now, and there were two officers came out to my house a couple of weeks ago and talked to me.

Did you want to know about that?

Recross Examination

By Mr. Myron:

Q. Those were the only other persons you talked to?
A. Yes, two Immigration Officers.

Mr. Myron: That is all.

Presiding Inspector: That is all. I think you are finally excused.

The Witness: All right, thank you.

(Witness excused.)

Presiding Inspector: Next witness.

Mr. Gladstein: Yes, we are having him called, your Honor.

ROSCO GEORGE CRAYCRAFT

called as a witness in surrebuttal on behalf of the Alien, having been previously duly sworn, testified further as follows: [7294]

Presiding Inspector: You have been sworn; the oath still is the same.

The Reporter: Your name, please?

The Witness: Rosco George Craycraft.

Direct Examination

By Mr. Gladstein:

Q. Mr. Craycraft, you have already testified in this proceeding, have you not?
A. Yes, sir.

(Testimony of Roscoe George Craycraft.)

Q. Now, I want to call your attention to Saturday, May 3rd and Sunday, May 4th. On any of the occasions when you were with, or when you saw Maurice Cannalonga on either of those two days did he appear to you to be drunk? A. No.

Q. Did he appear to you to be sober?

A. He did.

Q. On any of those days and at any time on either of those days did he appear to you to have normal possession of all his faculties? A. Yes, sir.

Q. Did you notice at any time on either of those two days whether he walked in a staggering manner or in a normal manner?

A. Well, I would say in a normal manner.

Q. Was there anything about his speech on either of [7295] those two days or at any time that you saw him or were with him that would indicate to you that he was not sober? A. No.

Q. Was there anything about his facial appearance, his eyes or any part of him which would indicate to you on either of those two days or at any time that you saw him or were with him that he was drunk? A. No.

Q. Now, I direct your attention to the first time that you spoke with him on Wednesday, April 30th, on that evening—I withdraw that—not the first time, but the second time that same evening, that Wednesday, April 30th. Do you have that incident in mind?

A. Yes, sir.

Q. On that occasion was it you or was it he who raised for the first time in your conversation that there was a Mann Act charge over Mr. Cannalonga?

(Testimony of Rosco George Craycraft.)

Mr. Del Guercio: Now, if your Honor please, we have gone over that.

Presiding Inspector: I don't think you went over it with this witness. I don't think that Mr. Gladstein has been over it with this witness.

Mr. Del Guercio: The witness has appeared here before; he has testified.

Presiding Inspector: I know, but that has come up since. [7296]

Mr. Gladstein: You are right, your Honor.

Presiding Inspector: Mr. Cannalonga has made certain statements about it. I think I will take this.

A. It was me.

By Mr. Gladstein:

Q. In what way did you raise it?

A. When we first went back to the little tool shop Cannalonga started in telling me about Doctor Buckner at Seattle, and he seemed to be very sorry for the things he had done; he felt very badly about it.

Mr. Del Guercio: I move to strike out what it seemed to him, your Honor.

Presiding Inspector: No, I will let it stand. We are not being very sharp about these matters.

By Mr. Gladstein:

Q. Continue, please.

A. (Continuing): —that he felt very badly about it, so I told him at the time that I had heard a conversation down on the Embarcadero, a rumor that maybe they had a Mann Act charge against him. I said "Is there any truth in that?" He said "Yes, that is what the trouble is."

(Testimony of Rosco George Craycraft.)

Q. Did he say to you "Christ, man. You are crazy", or any words to that effect? A. No.

Q. Was it you or was it he in any of the conversa- [7297] tions that you had with him, Mr. Craycraft, who mentioned the various places or states at which Mr. Cannalonga stayed or was supposed to have stayed in connection with this Mann Act charge?

A. He was the one that listed it to me.

Q. Was it you or was it he who mentioned the name of the girl that was, or was supposed to have been involved? A. He was.

Q. Now, what did he say to you? Do you recall the name that he gave you?

Presiding Inspector: I think we have been over this.

Mr. Gladstein: All right. Perhaps, we have, your Honor.

By Mr. Gladstein:

Q. Mr. Craycraft, at any time while you were with Cannalonga on the ship West Cussetta did anybody direct a remark to you of this character "What is the status of Cannalonga", to which you replied, "Just holding everything up." Did any such incident occur? A. No.

Mr. Gladstein: Your Honor, there is a question of recollection as to whether you struck out some of this testimony when it first came out.

Do you have a recollection as to whether—

Presiding Inspector: (Interposing) You mean about this— [7298]

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: Itinerary and the—

Presiding Inspector: (Interposing) Yes, I stated at that time that I didn't think the fact was material.

Mr. Grossman: Yes.

Presiding Inspector: It was only the fact whether there was conversation or something of that kind.

Mr. Gladstein: Surely, but didn't you rule on a motion to strike to the effect that the conversation on that subject matter was to be stricken from the record?

Presiding Inspector: I think not, I think not.

Mr. Gladstein: Well, if that is in the record, why, of course, there is no purpose in our going over it again.

Presiding Inspector: What is Mr. Del Guercio's recollection? I didn't strike that out.

Mr. Del Guercio: I don't believe you did.

Presiding Inspector: I stopped the witness telling where these places, these alleged stopping places were because I said the fact at that time appeared to me immaterial.

Mr. Gladstein: Was immaterial.

Presiding Inspector: That is right, isn't it?

The Witness: It seems to me like it is. However, there were so many objections.

Presiding Inspector: You can bring it out if you have any doubt about it.

By Mr. Gladstein: [7299]

Q. Now, Mr. Craycraft, was it on that Wednesday night or was it on a later night, on Friday of that

(Testimony of Rosco George Craycraft.)

same week that you first asked Mr. Cannalunga whether he would speak with me?

Mr. Del Guercio: I will object to that, if your Honor please. That has all been gone over.

Presiding Inspector: I can't recall. Has that been gone over?

Mr. Gladstein: No; Mr. Cannalunga testified on that.

Well, of course, this witness did testify the first time he was here to a conversation on a Friday night with Mr. Cannalunga.

Presiding Inspector: Now, if you want to ask any specific question, why, I think it would be better to do it that way.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. I will call your attention to Friday night of that week—I want to go back to Wednesday night, that first Wednesday night. On that night did you ask Mr. Cannalunga whether he would be willing to talk with me? A. No.

Mr. Del Guercio: I object to that.

Presiding Inspector: He says "No."

By Mr. Gladstein: [7300]

Q. Did Mr. Cannalunga on that night or any occasion say that he was willing to talk with me about an article in the Voice of the Federation?

A. No.

Q. Did he say that he was willing to talk with me concerning a rumor of any kind? A. No.

(Testimony of Rosco George Craycraft.)

Q. Now, calling your attention to Saturday, May the 3rd, at any time in my room did Mr. Cannalonga say or did anyone say anything concerning working Mr. Cannalonga over?

A. Mr. Cannalonga did.

Q. What did he say in that connection?

A. Well, Mr. Cannalonga stated he felt so rotten and so miserable that he wished somebody would take him out and just beat the devil out of him.

Q. And do you recall what was said in that connection after he made that statement?

A. Yes; I told him that I thought that was a poor way to approach it. The sensible thing to do would be to come down to San Francisco and tell the truth and forget about everything else.

Q. Was anything else said during that entire conversation in any way concerning working him over or physical backing of any kind?

A. Only the one remark of Cannalonga, the one you have [7301] given, the one that I have given.

Q. At any time during that Saturday afternoon in the Clyde Hotel was any statement made or did any incident occur indicating hostility between you and Cannalonga or between any of the parties that were in that room?

A. No.

Q. At any time did Mr. Cannalonga say to you that he did not see how the FBI could have a Mann Act charge over him because he was never involved in one?

A. No.

Q. At any time in your conversations with Mr. Cannalonga was it stated that "I would come to

(Testimony of Rosco George Craycraft.)

Portland for the purpose of helping Mr. Cannalonga out on the rap that the FBI had concerning the Mann Act?" A. No.

Q. At any time in your conversations with Mr. Cannalonga did you keep insisting that the FBI had a Mann Act rap on Cannalonga, and did he keep denying that?

A. No; he talked freely on that.

Q. Did Mr. Cannalonga tell you that Ed Fisher had turned him in to the FBI?

A. He said that Ed Fisher, a member of the SUP in Seattle, was the only one he could figure that could have turned him in.

Mr. Del Guercio: Now, you forgot to mention this the [7302] last time, didn't you?

The Witness: No.

Mr. Gladstein: He was asked and not permitted, your Honor. [7303]

By Mr. Gladstein:

Q. In your conversations with Mr. Cannalonga was it you or was it he who first mentioned the name of Dr. Buckner? A. Cannalonga.

Q. And in those conversations was there anything said regarding checking with Dr. Buckner?

A. He said if I go to Seattle and see Dr. Buckner that he could verify all that he had told me previously about him taking dope, or shots, as he called it.

Q. Was it you or was it Mr. Cannalonga who mentioned in your conversations that a Mr. Boyd,

(Testimony of Roscoe George Craycraft.)
from the Immigration Department, had got ahold of Cannalonga last October?

A. Cannalonga.

Q. In your conversations did Cannalonga tell you how the FBI happened to get ahold of him last year?

A. Only the one reference he made to Ed Fisher.

Q. In his conversations with you did he tell you about the occasions when he was with FBI agents and conversations that took place between them?

A. The times that he went up to the Vance Building.

Q. Was there a conversation between you and Cannalonga concerning those occasions?

A. No; not on what transpired. He said they took him up to the Vance Building.

Q. Did he tell you about the conversations that took [7304] place up there? A. (Pause.)

Presiding Inspector: Your answer is "No"?

Oh, you haven't answered.

Mr. Del Guercio: He is thinking.

Presiding Inspector: Pardon me.

A. You still have reference to this Friday night, is that the night you mean?

By Mr. Gladstein:

Q. On any of the occasions when you were with him?

A. On all occasions—only when he told us that Saturday.

Q. At any time in your conversations with Can-

(Testimony of Rosco George Craycraft.)

nalonga did he deny that he had given false testimony in this case? . .

Mr. Del Guercio: If your Honor please, I object to that question.

Presiding Inspector: That is pretty broad.

By Mr. Gladstein:

Q. Was there ever a discussion between you and Cannalunga regarding his giving false testimony or false statements in this case?

A. Well, only as applied to the Mann Act charge and intimidation.

Q. When did the conversation occur, Mr. Craycraft?

Mr. Del Guercio: I object to any inquiry along this line. If it is allowed then we have a right to call Mr. Cannalunga [7305] back and—

Presiding Inspector: He is still your witness, Cannalunga, and you called him.

Mr. Del Guercio: We will have to call Cannalunga back.

Presiding Inspector: No. They are negating what he has recently said.

Mr. Del Guercio: Why wasn't that brought out on the cross examination of Mr. Cannalunga?

Presiding Inspector: I think it was brought out on direct examination down here. I am not sure about that.

Mr. Gladstein: Your Honor is correct. There were certain questions put to Mr. Cannalunga, and he gave certain testimony, and it is our purpose to negative that testimony.

(Testimony of Roscoe George Craycraft.)

Mr. Del Guercio: In the first place——

Presiding Inspector: This has to do with testimony given by Mr. Cannalonga on the last occasion.

Mr. Gladstein: That is right.

Mr. Del Guercio: This witness was permitted to testify the first time because Mr. Gladstein represented that Mr. Cannalonga was not available.

Presiding Inspector: Yes.

Mr. Del Guercio: He testified.

Presiding Inspector: That is true; he wasn't available at that time.

By Mr. Del Guercio: [7306]

Mr. Del Guercio: When did he testify—Wednesday? All right, he testified and he was cross examined.

Presiding Inspector: You asked him all about these things. You asked him when he was down here——

Mr. Del Guercio (Interposing): Counsel has had an opportunity to cross examine Cannalonga.

Presiding Inspector: Not since you have. They have the last word on these matters, because he is your witness. The cross examination follows the direct.

Now, if I am wrong about that, and if this did not occur on the last occasion that Cannalonga was called, then there may be another question. But did this occur, as I recall, on the last occasion when Cannalonga was down here.

Mr. Del Guercio: Will you read the last question?

(Testimony of Rosco George Craycraft.)

(The question referred to was read by the reporter as above recorded.)

Mr. Del Guercio: Cannalunga was called to refute this witness' testimony.

Presiding Inspector: Yes.

Mr. Del Guercio: Now, they are calling the witness again to refute Cannalunga.

Presiding Inspector: These weren't matters which this man had testified to. If he has already testified—

Mr. Del Guercio (Interposing): He testified to all those situations. [7307].

Presiding Inspector: But subsequent to that you brought this out, and I am going to let him negative it.

Mr. Gladstein: I will withdraw the last question.

Presiding Inspector: That is, if he can. That is a matter that I don't know about.

By Mr. Gladstein:

Q. On that Saturday afternoon in the Clyde Hotel, or at any time, Mr. Craycraft, has Cannalunga denied that he gave false statements to the FBI and false testimony in this case?

Mr. Del Guercio: I will object to the question.

Presiding Inspector: I don't know about that. This is what he didn't say. You are now asking—

Mr. Gladstein (Interposing): He testified that there was a conversation about it, and that he denied—he didn't give the exact language—so I am

(Testimony of Rosco George Craycraft.)

using just the transcript, using the word "deny", although at one time—

Presiding Inspector: I don't think you can do that. Because he gave a conclusion you can't show the negative of that conclusion.

Mr. Gladstein: I can't imagine what the words were that—I will put it this way:—

Presiding Inspector: Haven't you got it all?

Mr. Gladstein: There is on that—I think the record perhaps is clear enough on that. [7308]

Presiding Inspector: Mr. Del Guercio is quite right in saying that we don't want to go over what this witness has already testified to.

Mr. Gladstein: I agree.

By Mr. Gladstein:

Q. Now, on Monday night, Mr. Craycraft, when Mr. Cannalonga wrote a note to Bridges, did Mr. Cannalonga show any reluctance to write that note?

Mr. Del Guercio: We certainly have been over that.

Presiding Inspector: I think you have been over that.

Mr. Gladstein: Only with Mr. Cannalonga on cross.

Presiding Inspector: You showed by this witness about that note.

Mr. Gladstein: But not as to whether there was any reluctance about writing it, or what was supposed to have taken place as to how the note came to be written, your Honor.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Oh, I thought you had gone all over that.

Mr. Del Guercio: He testified to all the circumstances around that transaction.

Presiding Inspector: I will have to look at his testimony.

Mr. Gladstein: I am rather certain I didn't ask Mr. Craycraft because I couldn't have anticipated at that time [7309] that there would be an occasion to ask Mr. Craycraft as to whether there was an argument, for example, on the question of how the name of Cannalonga should be signed. That is one thing.

Presiding Inspector: Isn't that a very immaterial point?

Mr. Gladstein: I rather think so, but it is one of the points, you see, on which I think we are entitled to negative the testimony of Mr. Cannalonga. It is not very lengthy.

Presiding Inspector: I will allow you to ask him about the signature.

By Mr. Gladstein:

Q. On the night when the note was written, Mr. Craycraft, was there any argument or dispute as to how the note should be signed? A. No.

Q. Was the note written by virtue of insistence—

Mr. Del Guercio (Interposing): I have the notation of the transcript on that.

Presiding Inspector: I will be very glad to see it.

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: What?

Presiding Inspector: They have the portion of the transcript of Mr. Craycraft's testimony on this.

(Whereupon the transcript referred to was passed to the Presiding Inspector.)

Mr. Gladstein: Would you like to read that during the noon recess? I notice it is after 12:30 now. [7310]

Presiding Inspector: No. I want to get along if we can.

Mr. Gladstein: We still want to eat lunch.

By Mr. Gladstein:

Q. Was that note, Mr. Craycraft, that was written by Mr. Cannalonga on that Monday night written by virtue of insistence on your part as against reluctance on the part of Mr. Cannalonga?

Mr. Del Guercio: I will object to that.

Presiding Inspector: I will take it.

A. No.

By Mr. Gladstein:

Q. Was there any argument or discussion as to whether Cannalonga, after having signed the name "Blackie" should sign his full name?

A. No.

Q. Now, Mr. Craycraft, at any time during any of these discussions that you had with Mr. Cannalonga did you ever say or do anything for the purpose of intimidating him? A. No.

Q. Or coercing him? A. No.

Q. Did you say or do anything which, in your

(Testimony of Roscoe George Craycraft.)

opinion, could possibly have the effect of intimidating him?

Mr. Del Guercio: I will object to this, giving his opinion. [7311]

Presiding Inspector: You have got his conclusion already. I don't think you can force it any further.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Now, prior to coming down here on that Monday night, when you saw Mr. Cannalonga for the last time, did you ask him for any further information? A. (Pause.)

Mr. Del Guercio: Let the record show the witness is thinking.

Mr. Gladstein: That is a little bit more, and I would like the record to show, than some of the Government witnesses have done; they have done no thinking.

Presiding Inspector: Let's not get into remarks like that.

A. I am not quite clear. Do you mean outside of the list of the places he is supposed to have stopped at, and the note to Harry Bridges?

By Mr. Gladstein:

Q. I have reference particularly to the list of places. Do you recall that? A. Yes.

Q. How did that come up?

Mr. Del Guercio: I will object to that as already having been gone over. [7312]

(Testimony of Rosco George Craycraft.)

Presiding Inspector: I excluded that. It may now be competent if you want to ask it, on account of the testimony of Mr. Cannalonga, who said that there was no such occurrence. Therefore that he couldn't say or give any list of places. If you want to bring out this list of places I think it is competent.

The Witness: What is the question?

(The question referred to was read by the reporter as above recorded.)

A. Mr. Cannalonga just started discussing the different places he stopped at since he left Reno, Nevada, so I just wrote the names down as he named them off.

By Mr. Gladstein:

Q. Did you write these names down in his presence? A. Yes, sir.

Q. While he was talking? A. Yes, sir.

Q. Was this on the same night when you told him that you were going to San Francisco?

A. Yes, sir.

Q. Did he know from the conversation that you had with him that night, Mr. Craycraft, whether or not you were going to be a witness and testify in this case?

Mr. Del Guercio: I will object to that, your Honor. How could this witness know what was in Cannalonga's mind? [7313] Maybe he does.

Presiding Inspector: Strictly that is objectionable.

(Testimony of Rosco-George Craycraft.)

Mr. Gladstein: I said "From any conversations."

I will withdraw that.

Presiding Inspector: I didn't hear that.

By Mr. Gladstein:

Q. Was there any conversation that night, Mr. Craycraft, as to whether or not you were coming to San Francisco to be a witness in this case?

A. I told him that you had called me around five o'clock and requested that I come to San Francisco to be a witness, and I asked him if there was any further information he could give me before I left. That is when he gave me the list of the names, and the note to Harry Bridges.

Q. Now, on a prior occasion did you take notes of any of the things that Mr. Cannalonga told you?

A. Once.

Q. When was that?

A. On Wednesday night, April 30th.

Q. And how did that occur?

A. Well, while he was giving me this information I made a few notes on it and then before I left I read it back to him and told him what I had down.

Mr. Gladstein: Now, your Honor, I have both of the documents that the witness has referred to; one is an envelope [7314] and one is a slip of paper. Except in so far as they are corroborative of the witness' testimony I don't know that they are of great importance.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: I don't think so. You have got the fact that he made these notes.

Mr. Gladstein: And read them back.

Mr. Del Guercio: What?

Presiding Inspector: The fact that he claims to have made the notes. I don't think the notes themselves are material. They weren't made in the course of business.

Mr. Gladstein: That is true.

By Mr. Gladstein:

Q. On the Monday night before you left, Mr. Craycraft, did you read back to Mr. Cannalonga the notes that you made concerning the itinerary?

A. Yes.

Q. Did he make any corrections?

A. It seems to me—I haven't seen those since I have been here—it seems like there are one or two where I drew lines and added more information in. I believe there are one or two places on the notes.

Q. From what source did that information come?

A. Mr. Cannalonga.

Presiding Inspector: Have you nearly finished?

Mr. Gladstein: Yes; almost. [7315]

By Mr. Gladstein:

Q. Now, Mr. Cannalonga, before coming here to testify today did you have occasion to attempt to learn from the Portland Stevedoring Company, in Portland, Oregon, what their records showed as to the work done by certain stevedoring gangs

(Testimony of Rosco George Craycraft.)

aboard the ship West Cussetta on May 3 and on May 4? A. Yes.

Q. To whom did you speak?

A. I received a telephone call from you on Thursday noon of last week—

Presiding Inspector: Who did you speak to of the company?

By Mr. Gladstein:

Q. Who, at the company, did you talk with, Mr. Craycraft, concerning this? A. Mr. Webber.

Q. Who is he? A. Timekeeper.

Q. When did you have occasion to talk with him? A. Saturday morning.

Q. Of which week? A. Last week.

Q. Did you ask him for copies of the records?

A. Yes, sir.

Q. Did you discuss with him the manner in which those [7316] records are kept?

A. Yes, sir.

Q. What did that discussion consist of?

Presiding Inspector: This is the same as was given by the stevedore.

Mr. Grossman: These are company records prepared from the records, prepared by the foreman. In other words, the company takes his reports and makes up their reports and, therefore, this is what is in their files as their report of what happened.

Mr. Gladstein: I might state, your Honor, that I have here—

Presiding Inspector: Do you deem this of any

(Testimony of Rosco George Craycraft.)

great importance after you have these slips of this other witness?

Mr. Gladstein: These are records, which are the company records.

Presiding Inspector: They are all made out from the original of those slips?

Mr. Gladstein: They are made up also in this respect, that is, they do show the breaking down of winches—

Mr. Grossman: They show this much, in addition, and only in addition: They show the company's acceptance of these records by incorporating them into theirs; otherwise they just represent a report of the foreman, such as we have had.

Presiding Inspector: I don't suppose there will be any [7317] contradiction of that except as already in the record?

Mr. Grossman: I don't know.

Presiding Inspector: Very well. You may go on.

It is now a quarter to one. We will recess until two o'clock.

(Whereupon, at 12:45 P.M. a recess was taken until 2:00 P.M. of the same date.) [7318]

After Recess

2:00 O'clock P.M.

ROSCO GEORGE CRAYCRAFT

called as a witness in surrebuttal on behalf of the Alien, having been previously duly sworn, testified further as follows:

Presiding Inspector: Mrs. King told me that Mr. Bridges would be five or ten minutes.

Mr. Gladstein: What was the last question?

(The question referred to was read by the reporter as above recorded.)

Mr. Del Guercio: Is the Alien's presence waived?

Mr. Grossman: Yes, we will waive it; we will waive Mr. Bridges' presence.

Presiding Inspector: Yes.

Direct Examination

(Resumed)

By Mr. Gladstein:

Q. Mr. Craycraft, in this discussion you had with this Mr. Webber of the Portland Stevedoring Company what did that discussion consist of with respect to how these daily time reports are made up and kept?

A. Those are made up daily.

Mr. Del Guercio: I object to this line of inquiry.

Presiding Inspector: Of course, I suppose this is really incompetent.

Mr. Gladstein: It is hearsay, I admit. [7319]

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Yes, but it seems to me——

Mr. Del Guercio (Interposing): And on a collateral matter, if your Honor please.

Presiding Inspector: Yes, on a collateral matter. You are simply going to corroborate the testimony of the other witness?

Mr. Gladstein: Yes, but if your Honor doesn't——

Presiding Inspector (Interposing): Oh, I will take it, then. I will take it over your objection. It will be just that they have taken their records from this and from, I suppose, the statements, perhaps, of Cannalonga, overtime statements.

Mr. Grossman: No.

Mr. Del Guercio: Not overtime statements.

Presiding Inspector: Oh, yes, the overtime records.

Mr. Del Guercio: Not of Cannalonga, as I understand it.

Presiding Inspector: He made out the overtime records.

Mr. Gladstein: Those are not involved here.

Presiding Inspector: They are not involved. The Cannalonga overtime record is not involved.

Mr. Gladstein: Will you answer that, Mr. Craycraft?

The Witness: Let's have the question.

By Mr. Gladstein:

Q. What did your discussion consist of with respect to how the records of the stevedoring com-

(Testimony of Rosco George Craycraft.)

pany are made up and kept with respect to daily time reports just briefly? [7320]

A. The gang foremen are instructed to put down the time they start, then, the amount of time they lose in rigging up or rigging tents and so forth, then the amount of time that is spent in hoisting cargo. Then, if there is a breakdown of the winches that runs a steady length of time they are to put that on the time sheet and that will be at the bottom of the time sheets. That shows any prolonged breakdowns, but any stoppage of the winch for just a few minutes doesn't appear on the time sheets.

Q. Now, what does the company do with the reports that are made by the gang foremen?

A. They take from those reports and charge back to the steamship company itself for the lost time.

Q. And does the stevedoring company make up records of its own based on the records made up by the men who were on the job?

A. That is correct.

Mr. Del Guercio: I will object to this, your Honor. It is certainly not the best evidence.

Presiding Inspector: Well, if we do this we will have to just wait until they have sent for someone from Portland. If you want to insist on it I will rule with you. It seemed to me that it was a very immaterial point.

Mr. Del Guercio: Well, if it is immaterial, then, of [7321] course—

(Testimony of Roscoe George Craycraft.)

Presiding Inspector: (Interposing) 'Because they have already got it in the case. I will exclude it.

Mr. Gladstein: You may cross examine. [7322]

**Cross Examination*

By Mr. Del Guercio:

Q. You many drinks did you have with Cannalonga on Saturday night, May 3?

Presiding Inspector: Is that anything that has been brought in here?

Mr. Gladstein: No.

Mr. Del Guercio: Yes.

Presiding Inspector: Not how many he had.

Mr. Del Guercio: I want to know whether this witness was——

Presiding Inspector: I am going to confine you closely to the Direct examination.

Mr. Gladstein: I call your attention to the fact that there has been no testimony regarding Mr. Craycraft and Mr. Cannalonga being together on Saturday night.

Presiding Inspector: We are in a position now where only legal evidence is competent.

Mr. Del Guercio: I started to ask one question and before an objection was made——

Presiding Inspector: I exclude it because I think it is an improper question under the circumstances.

Mr. Del Guercio: Mr. Myron will take over the cross examination.

Presiding Inspector. No. You started the cross examination. You can proceed. [7323]

(Testimony of Rosco George Craycraft.)

By Mr. Del Guercio:

Q. How many drinks did you have with Mr. Cannalunga on Saturday night, May 3rd?

A. None.

Q. Did you purchase any liquor for Cannalunga?

A. Yes, sir.

Q. Huh? A. Yes, sir.

Q. When was that?

A. On our way from Third and Couch going down to the ship we stopped at a liquor store on Broadway, right across from the old Post Office.

Q. Whose permit did you use to purchase that?

A. My permit. Mr. Cannalunga went in the liquor store with me and paid for it.

Q. Cannalunga went in with you?

A. Yes, sir.

Q. And what did you purchase.

A. A fifth of rum—I don't know what brand.

Q. Did you give it to Cannalunga?

A. We went out to the car and he took a notion that he wanted some Coca Cola, and he walked down the street a block to get his Coca Cola, and I got in the car and drove on down and picked him up that [7324] bottle?

A. I never got on the ship.

Q. Did you go on the ship?

A. I never got out of the car.

Q. Is that your signature appearing on that slip?

A. (Examining signature) That is correct.

Q. Did you purchase a B. Government House

(Testimony of Roscoe George Craycraft.)

fifth of rum at that place, at that time indicated on this receipt? A. I signed a receipt.

Q. Hub?

A. I signed a receipt and Mr. Cannalonga paid for the whiskey, or rum, rather.

Q. Are you permitted, under the laws of the State of Oregon, to purchase liquor on your permit for somebody else?

A. I wouldn't say as to that. I know we go in quite often together.

Q. With Cannalonga?

A. No; different people.

Mr. Del Guercio: I offer this receipt in evidence.
Presiding Inspector: Received.

(The receipt referred to was received in evidence and marked Government's Exhibit No. 291.)

By Mr. Del Guercio:

Q. What is the name of the girl that you say Cannalonga told you he had been with?

A. He called her Duval. [7325]

Q. How long had you know this girl?

A. I never seen her.

Q. Where does she live?

A. I don't know.

Q. Didn't you ask Cannalonga where she lived?

A. No, sir; I didn't.

Q. You never saw her? A. No, sir.

Q. And I suppose you have made a check of these tourist camps that you say Cannalonga gave you?

(Testimony of Rosco George Craycraft.)

Mr. Gladstein: Objected to as immaterial.

Presiding Inspector: Sustained.

By Mr. Del Guercio:

Q. Have you made a check of the tourist camps?

Mr. Gladstein: Same objection.

Presiding Inspector: Sustained..

By Mr. Del Guercio:

Q. What was your purpose in asking Cannalonga for the various places in which he stopped, said, he stopped with this girl?

A. Well, at the time I can't say that I really had any purpose. The man more or less volunteered the information.

Q. For your own information?

A. Well, I knew that I was coming to Frisco at the time [7326] and he gave it to me.

Q. You testified here this morning that you were on the ship to see Cannalonga there on Monday night, and that you told Cannalonga that Mr. Gladstein had told you that you were to appear in San Francisco to testify, is that correct?

A. That is correct.

Q. What were you to testify about?

A. I was to testify on what had transpired in Portland over the period from April 30, when I talked to Mr. Cannalonga.

Q. Was that what Mr. Gladstein told you?

A. I couldn't say whether he definitely told me I was supposed to testify to everything or not; but I was given to understand that I was to come to San Francisco to testify.

(Testimony of Rosco George Craycraft.)

Q. And did Mr. Gladstein tell you that you were to tell Cannalonga that you were coming down here to testify as to what Cannalonga had told you?

A. I don't recall him saying anything in regard to that. [7327]

Q. Well, now, just what did Mr. Gladstein say in that connection?

A. He asked me if I would come on to San Francisco that night, that it might be possible that I would have to go on the witness stand the following day. I told him that I had already made arrangements with Mr. Cannalonga to go to Seattle, that I would have to go down and tell him it couldn't be done, and I would have to get someone else to take him to Seattle.

Q. Now, was this over the telephone?

A. Yes, sir.

Q. And when did Mr. Gladstein, at what part of the conversation did Mr. Gladstein tell you to go down and tell Cannalonga?

A. I can't say he told me any part; that was up to my own judgment.

Q. You testified, did you not, that Gladstein had told you to tell Cannalonga that you were coming down here to San Francisco to testify?

A. No, I didn't say it that way. I said that Mr. Gladstein had told me over the phone to get ready to come on to San Francisco that night, it looked like I might have to go on the stand the following day.

(Testimony of Rosco George Craycraft.)

Q. Now, Gladstein knew at that time that Cannalonga was up there in Portland, didn't he?

A. That is right. [7328]

Q. And he knew that you were going to see him?

A. That is right.

Q. Now, up to that time Cannalonga hadn't refused to come down to testify, had he?

A. No, sir.

Q. Did you tell Mr. Gladstein that Cannalonga had refused to come down?

A. No, sir. I told him that he was willing to come down, only he wanted to go to Seattle first.

Q. How many times were you on the ship with Cannalonga on Sunday? A. Sunday?

Q. May the 4th? A. Once.

Q. And were you in Cannalonga's stateroom?

A. No, sir.

Q. Were you in Cannalonga's stateroom on Saturday at any time?

A. Saturday morning at 10:00 o'clock when I went down to the Crown docks I found him in his stateroom.

Q. Now, did Cannalonga take any drinks then while you were with him? A. No, sir.

Q. Not a single one? A. No, sir. [7329]

Q. Now, going back to this office, Mr. Lord's office, in what building was that?

A. In the Guardian Building on the corner of Third and Alder.

Q. Now, you testified when you were on the

(Testimony of Rosco George Craycraft.)

stand here before that you were present throughout the entire proceedings that took place in his office?

A. That is correct.

Q. Is that still your testimony?

A. Yes, sir.

Q. That you were not out of that room at any time while Mr. Gladstein was asking questions of Cannalunga; is that your testimony?

A. That is correct.

Q. Mr. Lord didn't send you out of the room to see his wife during any time while Gladstein was asking questions?

A. That was before he started asking questions.

Q. Well, if Mr. Lord testified that you went out of the room at his request while questions were being asked, or during the time that questions were being asked of Cannalunga, Mr. Lord would be testifying falsely?

Mr. Gladstein: Just a moment. I object to that.

Presiding Inspector: I will exclude it. One witness can't characterize the testimony of another.

By Mr. Del Guercio: [7330]

Q. Would you change your testimony if you knew that Mr. Lord had so testified?

A. No, sir.

Q. And is that the same thing for Shoemaker, if Shoemaker so testified? Would you change your testimony?

A. No, sir.

Q. Who made the arrangements for securing Mr. Lord's office?

A. I did.

(Testimony of Rosco George Craycraft.)

Q. You did. When did you make those arrangements?

A. Ten o'clock Saturday night.

Q. Who asked you to, if anyone?

A. Mr. Gladstein.

Mr. Gladstein: Your Honor, all this has been gone into in the previous cross examination and has not been brought out at this time on the direct. Although, I don't have any objection to testing the witness' recollection I think it is wasting time in going over matters that have been covered.

Presiding Inspector: That may be true, but it was brought out under the testimony of Mr. Lord whom you brought back, or whom you swore. I will allow it.

Mr. Gladstein: All right, sir.

Presiding Inspector: You brought it into the case.

Mr. Gladstein: All right.

Mr. Del Guercio: Is there a question? [7331]

Presiding Inspector: You may answer.

(The question and answer referred to were read by the reporter as above recorded.)

By Mr. Del Guercio:

Q. Did you tell Mr. Lord that Mr. Gladstein had asked you to make arrangements to obtain his office?

A. Yes, sir.

Q. And was that over the telephone?

A. Yes, sir.

Q. On Saturday night?

A. Yes, sir.

Q. At 10:00 o'clock?

(Testimony of Rosco George Craycraft.)

A. Yes, sir.

Q. And what did you tell Mr. Lord about Mr. Gladstein?

A. I told him that we would have Mr. Cannalonga there in the morning and I also requested a Court Reporter, and Mr. Lord made the arrangements to get the reporter.

Q. As I understand it you also mentioned to Mr. Lord Cannalonga's name?

A. Yes, sir.

Q. Now, did you also tell Mr. Lord what you wanted to question Cannalonga about?

A. I don't recall whether I did or I didn't.

Q. Well, what is your best recollection?

A. Well, I requested him to be in his office; I re-
[7332]-quested him to have a Court Reporter and I told him that we had Mr. Cannalonga coming up there.

Q. Now, did you tell Mr. Lord who Cannalonga was?

A. I could have told him he could have been the man who testified in a trial and wanted to change his testimony, but I wouldn't say for sure.

Q. That is in this telephone conversation on Saturday night?

A. That is the only time I talked to him over the telephone at any time.

Q. Did you talk to him more than once over the telephone on Saturday night? A. No.

Q. And did you arrange the time with Mr. Lord as to when you were to meet him in Lord's office?

(Testimony of Rosco George Craycraft.)

A. Yes, sir.

Q. And what time did you say?

A. Eleven o'clock Sunday.

Q. Were you there—at one o'clock did you say?

A. No; eleven.

Q. Were you there at eleven?

A. No. I called Mr. Lord about eleven. I told him we would be a little bit late.

Q. Then you called him up again?

A. That was on Sunday morning, I called him at his [7333] office.

Q. Then, you called him twice; you called Mr. Lord twice, as I understand it, in relation to the taking of this statement in his office?

A. The one time—

Q. (Interposing) Once Saturday night and once Sunday morning?

A. That is right.

Q. Did you call him up any more times?

A. No.

Q. What did you tell him Sunday morning?

A. I told him that we would be a little bit late.

Q. You told who you would be a little bit late?

A. Mr. Gladstein, Mr. Cannalonga and myself.

Q. Did you mention Mr. Gladstein's name over the telephone Sunday morning?

A. Yes, sir.

Q. And did you mention Cannalonga's name?

A. Yes, sir.

Q. And where did you call from?

A. From the Clyde Hotel.

(Testimony of Rosco George Craycraft.)

Q. And who was with you when you called?

A. Mr. Gladstein, Mr. Cannalonga and myself.

Q. Now, when did you arrive at Lord's room, or Lord's office?

A. I couldn't say exactly but it seemed like it was [7334] around 11:30.

Q. And who was there?

A. Mr. Lord and Mr. Shoemaker.

Q. Now, when did the questioning of Cannalonga begin with relation to the time you arrived in the office?

A. When I arrived in the office I introduced everyone around, and Mr. Lord requested I go downstairs and tell his wife that he had been detained a little while, for her to wait for him. Then, I came on back upstairs and I understood—

Q. (Interposing) How long were you gone?

A. Oh, I don't judge it would take over four or five minutes.

Q. To walk down?

A. No; fourth floor; two elevators.

Q. Now, had the examination of Cannalonga begun?

A. No; it just started when I came back.

Q. It had just started? A. Yes, sir.

Q. Well, what was being asked Cannalonga that long?

A. I just couldn't recall the exact question at the present time.

Q. But you do recall that a question was being asked? A. Yes, sir.

(Testimony of Rosco George Craycraft.)

Q. As you walked in?

A. When I came in they just started in because why I [7335] know it, they just started in, there was some little remark made at the time about—well, anyway, the remark was about in this way: “All you want to do is just give us what you did yesterday and tell us nothing but just the truth of it.”

Q. And who said that?

A. Mr. Gladstein.

Q. And was any reply made by Cannalonga to that? A. That is what he did.

Q. What?

A. That is what he said he would do.

Q. And Cannalonga said he would?

A. Yes, sir.

Q. Now, did the reporter take that down?

A. I couldn't say.

Q. Well, he was taking down everything that was said at the time?

Mr. Gladstein: That is calling for the conclusion of this witness.

Presiding Inspector: Ask him if he knows.

By Mr. Del Guercio:

Q. Do you know if the reporter was taking it down? A. I couldn't say.

Q. That was the first thing that you heard when you came up to the office?

A. Yes, sir. [7336]

Q. You didn't hear anything else?

(Testimony of Rosco George Craycraft.)

A. I understood afterward while I was gone that in the meantime Mr. Lord had sworn Mr. Cannalonga in.

Q. Then you weren't there when Cannalonga was sworn in? A. No, sir.

Q. And you weren't there then at the beginning of the taking of the statement?

A. Yes, sir.

Q. How do you know?

A. I told you the remark that sets it in my mind.

Q. Have you seen the transcript?

A. I don't believe I have read it.

Q. The reporter's transcript?

A. I don't believe I have ever read it.

Q. I show you what purports to be, or has been introduced as the transcript of the questions and answers that were given, that were asked and given at that time. Will you show me where in this transcript you came back into the office?

Mr. Gladstein: I object to that as improper.

Presiding Inspector: If he can he may.

A. Well, it says here, "In the presence of Mr. William P. Lord, Mr. Richard Gladstein, Rosco Craycraft and Ray D. Shoemaker." [7337]

Q. So what?

A. According to the transcript I was present when it started.

Q. That is the only thing that refreshes your memory, because that states there that you were present?

(Testimony of Rosco George Craycraft.)

A. No. I told you what refreshes my memory.

Q. This question that was being asked by Mr. Gladstein, can you find that anywhere in that transcript?

A. No. It don't say anything about it.

Q. Do you find Mr. Cannalonga's answer?

A. No.

Q. Now, isn't this the place where you returned into this room, when Mr. Gladstein was asking this question:

"Isn't that what you told me yesterday and isn't that the truth. I want you to answer only the truth and nothing else?"

A. No. That was before any questions were asked at all when that statement was made.

Q. Well, I didn't finish. Will you wait until I finish:

"Isn't it true that before you signed even the first statement that you were under compulsion to do it and they knew it?"

Is that the question that Mr. Gladstein was asking when you came in?

A. No, because I know when I came in the room he [7338] was asking for the true statements, and what he had told us the previous day.

He was asking those questions?

A. Yes, sir.

Q. As to whether, what he had told you on the previous day was true? A. That is right.

Q. Then you weren't in the room when Mr. Gladstein asked him this question:

(Testimony of Rosco George Craycraft.)

“Mr. Cannalunga, you were recently a witness in the Harry Bridges deportation case, were you not?”

You weren't there then, were you?

A. To the best of my recollection I was there from the time it began until it ended, outside of the couple of times that we stepped out.

Q. You just said that you got back in the office when Mr. Gladstein began asking questions as to what had occurred the previous day. Isn't that what you testified to?

A. That is correct.

Q. Do you want to change that testimony?

A. No, sir.

Q. Now, the first question that appears in this transcript is this:

“Mr. Cannalunga, you were recently a witness in the Harry Bridges deportation case, were you not?” [7339]

And the answer appears:

“Yes.”

Were you there then?

A. I heard all those statements, but here is one thing that makes it difficult to say this happened here and that happened then—

Q. (Interposing) What makes it difficult for you to say?

A. Because all those statements were made over a two-day period, on Saturday and Sunday morning, and then started in when I came up again.

(Testimony of Rosco George Craycraft.)

Q. You were there for the purpose of noting everything that was said, weren't you?

A. That is correct.

Q. You were there because you knew Mr. Gladstein had told you that you would appear here to testify, weren't you?

A. No; not at that time.

Q. Isn't that why Mr. Gladstein wanted you in that room?

A. No, sir. Mr. Gladstein didn't request I stay or request I leave.

Q. You didn't take any notes then, did you?

A. No, sir; not with a court reporter taking it down.

Q. Now, you testified the last time you were on the stand here that when Cannalonga finally went out of that office you followed him out. Is that correct? [7340]

A. That is correct.

Q. You were with Cannalonga from the time he last left the office until the time he got on the elevator, weren't you?

A. No. There was a period of two or three minutes.

Q. When did you discover that interval?

A. Because he was talking to Bill Lord and I didn't want to break into it.

Q. What?

A. Because he was talking to Bill Lord and I didn't want to break into it.

Q. You saw him talking to Bill Lord?

A. At the elevator.

(Testimony of Rosco George Craycraft.)

Q. At the elevator? A. Yes.

Q. Where were you?

A. I was down the hall.

Q. You were down what hall?

A. Well, it is about, oh, 60 or 75 feet, I guess, from the elevator to Bill Lord's office.

Q. Weren't you still holding on to Cannalunga?

A. No, sir.

Q. Didn't you have your hands on him?

A. No, sir. Bill Lord was talking to him alone there. [7341]

Q. And you were how many feet away?

A. Oh, I was—I was out of earshot, but they were talking.

Q. Mr. Lord saw you, of course?

A. I imagine he did.

Q. Did you talk to Mr. Lord?

A. No, sir.

Q. Did he talk to you?

A. No, sir. I just passed Mr. Lord when he went on back in the office and I arranged with Cannalunga then to meet him that night.

Q. You went out the door with Cannalunga, didn't you—you were together when you went out the door? You testified in the last hearing you had your hands on his shoulder. Do you want to change that?

A. No, sir.

Q. Did you have your hands on his shoulders as he was going out?

(Testimony of Roseo George Craycraft.)

A. I don't think I had my hand right on his shoulder.

Q. What part of his body did you have your hand on?

A. On his shoulder, but not going out the door.

Q. Where did you go with Cannalonga when you went out?

A. We went down the hall.

Q. Toward what?

A. Toward the elevator. [7342]

Q. Did you stop at the elevator?

A. Cannalonga and Mr. Lord came by, and came out, and Mr.——

Q. (Interposing) You were with Cannalonga. When did Mr. Lord come out?

A. Well, I left Cannalonga there.

Q. Did Mr Lord come out before you?

A. I couldn't say. I wasn't paying any attention to Mr. Lord at the time.

Q. Who were you paying attention to?

A. I was talking to Mr. Cannalonga.

Q. Had Mr. Lord gone out of the room before you and Mr. Cannalonga stepped out?

A. Well, I wouldn't say for sure on that.

Q. Did he remain in the office?

A. I wouldn't say.

Q. Did I understand your testimony correctly the last time you testified, that Cannalonga jumped up and started out, and he was the first one to leave the office, is that correct?

(Testimony of Roseo George Craycraft.)

Mr. Gladstein: I object to the form of the question.

Presiding Inspector: I think he is pressing him on this matter. I will allow it.

Mr. Gladstein: Yes; but I think the question in its present form is objectionable.

Presiding Inspector: Perhaps so, but I will allow it. [7343] Ask the question.

Mr. Del Guercio: I believe there is a question pending.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: The question is whether that was your testimony.

Mr. Gladstein: That is why I think it is improper. The record speaks for itself.

Presiding Inspector: I think it is merely pressing him. Of course, ordinarily it isn't proper to ask what the testimony was. Under the circumstances I think Mr. Del Guercio is justified in asking that question.

By Mr. Del Guercio:

Q. Did you answer that last question?

The Witness: Let's have the question again.

(The question referred to was reread by the reporter as recorded.)

A. That is correct. He was the first one to leave the office.

(Testimony of Roscoe George Craycraft.)

By Mr. Del Guercio:

Q. And Mr. Lord remained behind in the office?

A. I wouldn't say to that.

Q. Had he gone out before Cannalunga? [7344]

A. I don't recall that. I know that Cannalunga and I were together, and I know when Mr. Lord came up to talk with him I went away because I didn't want to listen to the conversation.

Q. Did Mr. Lord come out when you were with Cannalunga? A. I couldn't say positively.

Q. How long were you with Cannalunga outside? A. At the elevator?

Q. Outside the office, before Mr. Lord came out?

A. I couldn't—before Mr. Lord came out?

Q. Yes.

A. There was only one thing that I was interested in myself, and that was what time I would see him that night to make arrangements for going to Seattle. I don't recall whether I was with him one minute or two minutes or not.

Q. Did you ask him that before Mr. Lord talked to him?

A. I talked to him after Lord left.

Q. You talked to him after Lord left?

A. About going to Seattle; yes.

Q. You are sure of that? A. Yes, sir.

Q. Then when you testified the last time that when you returned to the office after seeing Cannalunga go away, and you saw Mr. Shoemaker and Mr. Lord, you weren't testifying [7345] correctly?

(Testimony of Rosco George Craycraft.)

A. Yes, sir.

Q. Will you please explain that inconsistency?

A. Mr. Lord, Mr. Shoemaker and Mr. Gladstein was in the office when I went back from the elevator.

Q. You just said Mr. Lord went down the elevator?

A. No, I didn't. I said Mr. Cannalonga went down the elevator.

Q. Where did Mr. Lord go?

A. He went back in his office.

Q. With you?

A. No, sir; I talked to Mr. Cannalonga after Mr. Lord did.

Q. Mr. Lord didn't go down the elevator?

A. No, sir.

Q. After he got through talking with Mr. Cannalonga he went back into the office?

A. Yes, sir.

Q. And then you stayed out there and talked with Cannalonga for about how long?

A. Not over two minutes.

Q. And then you returned to the office?

A. Yes, sir.

Q. And you saw Mr. Shoemaker and Mr. Lord?

A. Yes, sir. And Mr. Lord gave me his key to his [7346] office and told me whenever we got ready to go to lock it.

Q. If you knew that Mr. Lord testified that right after he talked to Mr. Cannalonga he went

(Testimony of Rosco George Craycraft.)

down the elevator, would you want to change your testimony? A. No, sir.

Mr. Gladstein: Just a moment. I want to point out that that is a misstatement in counsel's question of the record.

Mr. Del Guercio: It is ~~not~~ a misstatement, if your Honor please. We will check the record on that right now.

Presiding Inspector: I thought the testimony was that Mr. Lord did leave these people in his office.

Mr. Gladstein: As Mr. Craycraft says; yes.

Presiding Inspector: Yes.

Mr. Gladstein: There is no inconsistency there. But as expressed in the question of Mr. Del Guercio it is something along this line: He is asking, or saying that Mr. Lord testified that after talking to Mr. Cannalonga in the corridor Mr. Lord went down the elevator. That is not Mr. Lord's testimony.

Mr. Myron: That is a misstatement. The record will speak for itself.

Presiding Inspector: That was this morning. We haven't the record on that yet.

Mr. Gladstein: Mr. Lord didn't testify this morning. [7347]

Presiding Inspector: That is so; yes.

Mr. Del Guercio: I don't have the transcript here on that, but the record will speak for itself.

Presiding Inspector: Just a moment.

(Testimony of Roscoe George Craycraft.)

(Whereupon the Presiding Inspector referred to that portion of Mr. Lord's testimony referred to.)

Presiding Inspector: Now, what was the question? Let me hear it again.

*(The question and answer referred to were read by the reporter as above recorded.)

Presiding Inspector: I think that is the testimony.

Mr. Gladstein: I beg your pardon?

Presiding Inspector: I think that is the testimony. You take this and look at it.

(Whereupon the Presiding Inspector handed the document to Mr. Gladstein.)

Mr. Del Guercio: What page is that?

Presiding Inspector: Page 6958 and 9. I think I will allow that.

Mr. Gladstein: It has been answered.

Presiding Inspector: It has been answered? Will you read the answer?

(The answer referred to was read by the reporter as above recorded.)

The Witness: Well, I never got a chance to finish it, though. [7348]

Presiding Inspector: Go ahead, explain if you want to.

The Witness: The reason why I know he went back into the office and all of them were in the office, when he got back into the office Mr. Lord asked us how much longer we would be. They said

(Testimony of Roscoe George Craycraft.)

"Just a few more minutes." And Mr. Lord gave me the keys to his office to lock up the office, which I returned to him the next morning. Mr. Gladstein and Mr. Shoemaker then made arrangements on getting the transcript down to San Francisco. Mr. Lord did leave then after giving me the keys.

By Mr. Del Guercio:

Q. So that what you are trying to say is that you are positive in your testimony as to that incident?

A. Yes; he got his hat and coat and gave me the key.

Q. And Mr. Lord is wrong?

Mr. Gladstein: Just a moment. That is improper.

Presiding Inspector: Yes.

Mr. Del Guercio: I will withdraw that.

Presiding Inspector: That is a conclusion which may or may not be drawn.

By Mr. Del Guercio:

Q. Now, how many times did you see Mrs. Lord in that office?

A. Mrs. Lord never did come in the office.

Q. At any time?

A. She just came to the door. [7349]

Q. She sent who to the door?

A. She just came to the door.

Q. When was that?

A. The door of the inner office.

Q. When?

A. Oh, not very long before we finished.

(Testimony of Roscoe George Craycraft.)

Q. Before you arrived, then?

A. What is that?

Q. Before you arrived?

A. No; I was sitting in the room.

Q. You testified that Mrs. Lord took Lord to the office.

A. Pardon? I don't understand.

Q. No, I am afraid you don't.

Mr. Gladstein: I don't see how anybody could.

Mr. Del Guercio: I don't think you would either.

Mr. Gladstein: Will you explain the question?

Presiding Inspector: Ask the next question. Let's not have any by-play.

By Mr. Del Guercio:

Q. When did Mrs. Lord take Mr. Lord to the office?

A. I don't know. Mr. Lord was in the office with Mr. Shoemaker when we got there.

Q. How many times did you see Mrs. Lord in the office while this incident was going on? [7350]

A. Mrs. Lord only came to the door once that I ever seen.

Q. When was that?

A. That was along towards—well, just a little while prior to the time we finished she asked Mr. Lord "How much longer will you be?" He says "Not very much longer." She went on back down the hall.

Q. She was not there, then, at the beginning of the taking of the testimony?

(Testimony of Rosco George Craycraft.)

A. No; she was sitting in her car down on the street.

Q. How do you know that?

A. Because I went down and seen her.

Q. All the time? A. No, sir, just the once.

Q. Now, how many times did you go out of the office while questions were being asked of Cannalonga? A. None.

Q. What? A. None.

Q. At no time? A. No, sir.

Q. How many times did you step out with Cannalonga? A. Twice.

Q. Twice. You have related those in your previous testimony? A. Yes, sir.

Q. You don't want to change any of that?

[7351]

A. No, sir.

Q. Now, you went out twice with Cannalonga and brought him back, didn't you?

A. That is correct.

Q. Then, you went out with him again, the third time, when he finally left; Cannalonga finally left?

A. At the elevator.

Q. That is three times you went out?

A. That is right.

Q. Did Cannalonga leave the office at any other time than those three times? A. No, sir.

Q. You are positive of that? A. Yes, sir.

Q. Now, I didn't quite get your testimony there

(Testimony of Rosco George Craycraft.)

as to when Mrs. Lord came up to the office. When was that? Would you mind repeating it again?

A. Well, it was sometime prior to the time, whenever it was, that we broke up; I couldn't say.

Q. Well, how long before?

A. Well, I couldn't say whether it would be ten minutes or fifteen minutes.

Q. And did she go out again?

A. She went on down the hall.

Q. Did she remain in the office any length of time? [7352]

A. She might have remained in the outer office. I didn't go out in the outer office to see.

Q. Well, did you see Mrs. Lord when you stepped out to the hallway with Cannalonga the last time? A. No, sir.

Q. She wasn't in the outer office then, was she?

A. I never seen her. There is three or four offices there. She could have been in any of them.

Q. Well, now, you saw Mr. Lord out in the hallway, you say, with Cannalonga?

A. That is, right.

Q. Was Mrs. Lord there?

A. I never seen her.

Q. Did you see Mr. Lord go down in the elevator?

A. No sir; I stayed in the room with Mr. Shoemaker and Mr. Gladstein after Mr. Lord left.

Mr. Del Guercio: That is all.

(Testimony of Rosco George Craycraft.)

Redirect Examination

By Mr. Gladstein:

Q. Mr. Craycraft, the word "hall" has been used a number of times. Will you please describe the set-up of Mr. Lord's offices in order to explain to his Honor whether there is a hall within the suite of offices as well as a corridor in the building between the elevator and the suite of offices?

Mr. Del Guercio: If the Court please, he has already [7353] given a description of—

By Mr. Gladstein:

Q. (Interposing) Well, would you draw a picture of it? Do you think you could do that?

Mr. Del Guercio: He has already told—

A. (Interposing) Well, I can draw pretty close.

Presiding Inspector: When did he do that?

Mr. Del Guercio: In the questioning.

Mr. Myron: In the questioning.

Presiding Inspector: Oh, well—

Mr. Gladstein: (Interposing) He was directing his attention to—

The Witness: (Interposing) Do you mean when you come up the elevator?

By Mr. Gladstein:

Q. Leave out all the elevator part. Suppose you first of all draw your recollection of his suite of offices.

A. (Drawing on paper.)

Q. May I see it?

A. (Handing paper to Mr. Gladstein) I don't

(Testimony of Rosco George Craycraft.)

know; it is not very good drawing, but that is the way they are set-up.

Q. All right. Now, what does this represent (Indicating)?

Presiding Inspector: Better look at this, Mr. Del [7354] Guercio.

Mr. Gladstein: Do you want to come up here and look at it?

Mr. Del Guercio: No.

By Mr. Gladstein:

Q. What does this represent, Mr. Craycraft (Indicating)?

A. Mr. Lord's office is in the corner (Indicating). This is the hallway going down to the main floor (Indicating).

Q. Will you mark the hallway that goes between the main floor and Mr. Lord's office, draw a line through it and bring it out and mark an "X" on it, if you will.

A. (Witness marks drawing.)

Mr. Del Guercio: Is this redirect examination?

Presiding Inspector: I don't know, Mr. Del Guercio.

Mr. Del Guercio: What?

Presiding Inspector: I don't know what this is.

Mr. Del Guercio: Well, we object to it.

By Mr. Gladstein:

Q. Now, you also—

Presiding Inspector: (Interposing) This is, I suppose, to elucidate this matter of there being, as

(Testimony of Rosco George Craycraft.)

it is claimed, two passageways that may have been called halls, only to cover that.

Mr. Del Guercio: I didn't question the witness at all on that. [7355]

Presiding Inspector: What?

Mr. Del Guercio: I didn't question the witness at all on that.

Presiding Inspector: I know, but the witness has used "Going into the hall" and so forth. He wants to know what he means by that, if there is any possibility of error; usually there wouldn't be.

By Mr. Gladstein:

Q. Now, you have used the word "corridor" here on a portion of the drawing. What does that represent? A. To the elevator.

Q. And to the elevator from what?

A. To the elevator from Mr. Lord's suite, the entire suite.

Q. All right. Now, in what office room of the Lord suite did the deposition take place?

A. Mr. Lord's.

Mr. Gladstein: I offer this in evidence, your Honor.

Mr. Del Guercio: I will object.

Presiding Inspector: Let me see that.

(Whereupon the witness handed document to

Presiding Inspector.)

Presiding Inspector: I don't think this will help any, Mr. Gladstein. [7356]

(Testimony of Roseo George Craycraft.)

Mr. Gladstein: Well, I think it clarifies the record in this respect, your Honor: There has been testimony with respect to Mrs. Lord coming to the door, for example. Now, in the cold record it can't be told whether Mr. Craycraft was referring to the door to the office suite or to the door to Mr. Lord's office.

Presiding Inspector: I don't think this will help either.

Mr. Gladstein: All right, then, I will ask him these questions.

By Mr. Gladstein:

Q. When you, in your testimony, Mr. Craycraft, referred to Mrs. Lord coming to the door to which door were you referring?

A. To the door in Mr. Lord's own office, or that is, his private room.

Presiding Inspector: From what? The door in the private office. What is the other side?

The Witness: Yes. Well, all of it belongs in a suite there.

Presiding Inspector: I know, but what is it there? Is it another office?

The Witness: No; that is going up the hallway.

Presiding Inspector: What hallway?

The Witness: When you come down the corridor and come into the reception room. [7357]

Presiding Inspector: Yes.

The Witness: Then, there is a door going into a little hallway up past the three offices on the left.

(Testimony of Rosco George Craycraft.)

hand side. Then, Mr. Lord's office is the third door at the end of the hallway.

Presiding Inspector: Yes. Now, when you say "hallway" you mean within the private office?

The Witness: That is it.

Presiding Inspector: And when you say "corridor" you mean the one that is outside of the private office?

The Witness: Going to the elevator.

Presiding Inspector: Going to the elevator.

Mr. Gladstein: I am not sure that the word "corridor" has been used by counsel on either side in this case.

Presiding Inspector: I am not either; I don't know that it has.

Mr. Gladstein: That is why I think this should be admitted in evidence, your Honor.

I will ask one more question.

By Mr. Gladstein:

Q. Does this document which you have just drawn, Mr. Craycraft, represent—is it, in your best judgment, and based on your recollection and upon your observations a fair representation of the set-up of the Lord suite of offices in the Guardian Building? [7358]

A. Yes, outside of I haven't drawn the dimensions correct.

Mr. Gladstein: I renew my offer.

Presiding Inspector: Well, if you want it.

Mr. Del Guercio: We haven't brought out any questions about the office.

(Testimony of Rosco George Craycraft.)

Presiding Inspector: I know. I will take it.

I will ask him a question or two further to clarify my mind on it.

Where are the elevators in this place?

The Witness: (Drawing on paper.)

Presiding Inspector: Where is the lavatory?

The Witness: Right in here (Drawing on paper).

Presiding Inspector: Across from the elevator?

The Witness: Right in here, on the same side (Indicating).

Presiding Inspector: The elevator is, as you go out the corridor, so-called outer hall from Mr. Lord's suite you find the elevators opposite the way you are walking?

The Witness: When you go right down the corridor and you get to the end of the corridor there is a little jog this way (Indicating). Your elevators are sitting there (Indicating).

Presiding Inspector: A little jog to the left where the elevators are; a little jog to the right where the lavatory is?

The Witness: Yes, sir. [7359]

Presiding Inspector: How far is it from the toilet room to the elevators?

The Witness: Oh, twenty, thirty feet, I judge.

Presiding Inspector: Twenty, thirty feet. I will take it.

(The document referred to was received in evidence and marked Alien's Exhibit No. 62.)

(Testimony of Rosco George Craycraft.)

Presiding Inspector: Is that all, Mr. Gladstein?

Mr. Gladstein: That is all.

Presiding Inspector: Do you want to ask anything more?

Mr. Del Guercio: No.

(Witness excused.)

Presiding Inspector: Next witness.

Mr. Grossman: Your Honor, we have no more witnesses except Mr. Bridges. In case the Government has another witness, which they indicated they might have, we suggest that it would be proper for them to put on the witness at this time because we intend to end the case with Mr. Bridges. If they put on another witness it will require us to put him on the stand again which we think is not desirable or in the regular order of things.

Presiding Inspector: That is a suggestion to you, Mr. Del Guercio: You don't have to accept it unless you wish.

Mr. Del Guercio: No; we would rather follow the usual procedure.

Presiding Inspector: Call Mr. Bridges, then.

[7360]

HARRY RENTON BRIDGES.

called as a witness in surrebuttal in his own behalf, having been previously duly sworn, testified as follows:

Presiding Inspector: The oath previously given,

(Testimony of Harry Renton Bridges.)

as I have told the other witnesses, continues to bind the witness. —

Direct Examination

By Mr. Grossman:

Q. Did you ever state at the time of the Maritime Federation of the Pacific Convention in Seattle, 1935, to Mr. Barlow either in words or in substance "The only way that a young fellow could get ahead in the labor movement today is to join the Communist Party?" A. No.

Q. Did you at that time or that place make that statement to anyone?

A. Not that I remember.

Q. Have you ever made that statement to anyone at anytime or any place?

A. Not that I ever remember; I am sure I haven't.

Q. Has Sam Darcy ever been at your home?

A. No.

Q. Has Harry Lundeberg ever been at your home? A. Yes, sir.

Q. Do you recall when Lundeberg was at your home?

A. Yes, in the latter part of 1935, September, around September. [7361]

Q. Is that the only time? A. Yes.

Q. Was he there for dinner?

A. I believe he was.

Q. Do you remember whether anyone else was there?

(Testimony of Harry Renton Bridges.)

A. I am not sure; I think my wife, another woman and two children, the boy and the girl.

Q. During the course of the last few years, Mr. Bridges, have you had occasion to disagree fundamentally with Harry Lundeberg on trade union policies?

A. Yes, on numerous questions.

Q. When was the first time that you remember any fundamental disagreement with Harry Lundeberg on trade union questions?

A. October, 1935.

Q. What was that issue?

A. October or November.

Q. What was that issue?

A. On account of my taking a position against a policy that was called job action, that is, the type of job action that was taking place at that time, and I was instrumental in seeing that a special convention of the Maritime Unions was called, and at that convention I introduced a resolution against continuing the job action policy that was being carried on at that time in the way it was being carried [7362] on, and suggested a different type of policy, and that caused the first basic disagreement between myself and Harry Lundeberg. It came about, of course, the Maritime Federation had been formed in May, 1935 and I had sponsored and nominated Lundeberg and swung votes to him and he was elected, and the special emergency convention, we called, came about because of the policy he was following as the President of the Maritime Federation

(Testimony of Harry Renton Bridges.)

and the use of this particular method of job action on ships that would start with just a handful of men but involved us time and time again in what verged on a complete coastwise tie-up. For example, it might be over the grievance of one man. And this convention was called to stop that policy continuing any further.

I introduced the resolution and it developed into a pretty deep breach at that time and from then on, why, we have disagreed on practically everything else as far as trade union policy is concerned.

Q. Do you remember a dispute involving the ship called the Vancouver? Oh, excuse me. That was not the name of the ship.

Do you remember a hot cargo situation involving Vancouver hot cargo? A. Yes.

Q. Was there any disagreement in connection with any issue developing out of that dispute in which you and Lundeborg [7363] disagreed fundamentally?

A. Only towards the end. At first we both worked together on it. The dispute concerned a strike of a crew of a ship in Vancouver, British Columbia, one of Lundeborg's,—I mean one of the West Coast ships, and the crew of the ship following this job action policy struck the ship in British Columbia which was recognized, of course, as a foreign port. The longshoremen in that port struck in sympathy with them and they were discharged. Eventually they were locked out, and

(Testimony of Harry Renton Bridges.)

they discharged the crew of that ship and put a new crew on it later on when she was in San Francisco. I don't know if they discharged it before she got to San Francisco. And the ship was declared unfair. Well, the seamen had nobody on the ship and the only ones that were really affected were the longshoremen and it eventually developed to an entire—to a complete shut-down of the entire Port of San Francisco and began to spread up and down the Pacific Coast, and when I thought it was too hot to take it any more I wanted to call it off and Lundeberg insisted that it continue.

Presiding Inspector: When was this?

The Witness: November—October, 1935, October, 1935, October or November. I can't remember the exact date. I could check the records. I can check it because Judge Marcus C. Sloss was our coastwise arbitrator. Judge Sloss called in as arbitrator, had ruled against us and ordered the longshoremen [7364] to cease this support because they were in violation of their contract, and the only one that was affected and had their men out was myself as President of the San Francisco Local. None of the seamen's unions were affected; they had all their men working. We were the ones that were completely on the spot. It was very easy for them to say "Let the thing go until it cracks." They had no men affected and Lundeberg refused, as President of the Maritime Federation, where he was in an official position on a coastwise basis to do it, to aid me in calling off the dispute.

(Testimony of Harry Renton Bridges.)

Vancouver was involved because the strike was called in Vancouver at that time and we were really supporting locked out men in British Columbia and we had San Francisco shut down in support of locked out—

Mr. Del Guercio: (Interposing) Now, if your Honor please, we are relating disagreements here and the witness is relating the story.

Presiding Inspector: Well, the story involves the disagreement, I think.

The Witness: It was the basic disagreement, your Honor, that led up to everything, after that a complete disagreement on basic trade union policies.

Mr. Del Guercio: Disagreement by him, no doubt.

Presiding Inspector: Well, I am not sure. I think he is [7365] justified—

The Witness: (Interposing) Anyway, I had to move to get the matter straightened out, and I did, and the attitude taken by Lundeborg and certain other people he was working with was an act to move to see that I was condemned or criticised, which I was in some quarters, except for my own membership which supported me generally.

By Mr. Grossman:

Q. Did you have any disagreement with Lundeborg with respect to the steam schooner strike?

A. Yes, very definitely; that was in December, 1935. It was not a strike. Lundeborg had the coastwise ships under contract at that time. His

(Testimony of Harry Renton Bridges.)

membership on a coastwise basis had advocated to submit the issues on the coastwise ships, in this case the main one being a six-hour day, to arbitration. Although his membership had voted that way Lundeborg tried a maneuver, called job action. In other words, he tied up every coastwise vessel for a six-hour day and then tried to explain that it was not a strike, that the men just quit at the end of three o'clock every day, and as soon as the employers agreed that they would only work them six hours a day that everything would be all right. The publicity in the official leaflets that were put out at this time said "This is not a strike; this is merely a little job action we are taking"; in other words, a complete bad policy of trade unionism. [7366]

You can't go after a major demand in conditions such as the reduction of work from eight to six hours work a day.

Mr. Del Guercio: I move that be stricken, your Honor. He has given not only the cause of the disagreement but also his conclusions as to what was wrong.

Mr. Grossman: He is giving his views—

Presiding Inspector: (Interposing) He is giving his views as to how he was in conflict with Lundeborg. I think I will let it stand.

The Witness: Well, that was all. Of course, the results speak for themselves. He was completely whipped in the—I mean, the strike was completely whipped, although we swung in and tried to patch it up and support it as much as we could, but you were

(Testimony of Harry Renton Bridges.)

beaten before you start so, of course, that didn't strengthen any relationship between ourselves or our various organizations.

By Mr. Grossman:

Q. Did you have any disagreement with Lundeberg with respect to the question of the Sailor's Union of the Pacific becoming independent of the ISU?

A. Yes, very definitely. That started around the same time.

Q. What was the issue of that disagreement?

A. Lundeberg attempted to get me to work with him, to have the Sailor's Union expelled from the American Federation of Labor. The steam schooner strike, or job action, and [7367] all these other actions that he was taking were being taken deliberately.

Q. Did he state that to you?

A. He talked it over with me many times and attempted to have me support the program, and I was opposed to it, and he kept on advocating and building the set-up in such a way that—and the union was taking these actions in such a way that eventually the International Officials had no recourse but to expel the union, which they eventually did. The night the union was expelled—Lundeberg knew weeks before the union was going to be expelled. I knew three or four days before the Union was going to be expelled and I spoke to Lundeberg three or four days before the Charter was lifted and urged him to quit before it was too late and to try

(Testimony of Harry Renton Bridges.)

and keep the union and fight from within the American Federation instead of following the line ~~he~~ wished to follow, that was; have the union expelled, and it eventually happened. The night it was expelled he put a resolution on the floor of the meeting to form a new union closely following the lines of the IWW, called the Industrial Seafaring Union, or something like that.

Q. Did you express your complete disagreement with that policy to Lundeborg?

A. Very definitely, I did, yes; and to others. We were in complete disagreement on that because it affected us. He followed it up; the plans were pretty complete. He [7368] had a maritime—we had this Maritime Federation. His ideas run along the line of building an independent West Coast labor movement separate and apart from the American Federation of Labor and using the per capita tax generally paid to the American Federation of Labor to organize more workers in our independent industrial labor set-up for the Pacific Coast. Following the expulsion of the Sailor's Union he then proceeded, according to his plans, to call upon every union to support only the Sailor's Union of the Pacific as the West Coast seafaring union, and not to work any ships that the International A. F. of L. Unions would put any men on except his men. And, of course, the main and most powerful factor to enforce a set-up like that was only the longshoremen. He could not accomplish it any other way. He had to have our support; he had to have some agreement

(Testimony of Harry Renton Bridges.)

in the plan. When he could not receive any support, although he received the support of some other longshore groups, he went ahead anyway and the union was eventually expelled on January 1936.

Q. Did you openly oppose him on the question of a coastwise refusal to work on ships that did not employ SUP members?

A. I certainly did, because I knew what was behind the plan. We always agreed and always generally have supported a bona fide strike or tie-up, but in this case where I knew what was behind the plan, when he introduced the resolu- [7369] tion, for example, in the San Francisco Maritime Council, which was the largest and most powerful Council on the Coast—I was president of it—I opposed the resolution, and the resolution was defeated, and that resolution called to cease work on any ship that did not carry a crew of SUP workers.

The next thing, of course,—since the set-up had, of course, gone that far, the next thing I knew, because he discussed it with me, was to make a move to jump all ships whether they were East Coast or West Coast ships.

Q. Did you have any fundamental trade union disagreement with Harry Lundberg in the 1936 Maritime Federation convention?

A. Oh, yes, I think we disagreed on almost everything there.

Q. Do you remember any of the major disagreements at that convention between you and him?

A. We disagreed on the selection of officers. We

(Testimony of Harry Renton Bridges.)

disagreed on the policies laid out to govern the official paper of the federation. We disagreed on the reports, for example, of the various activities that had gone in the year previous to the forming of the federation, some of them which I have related here. We disagreed on the future program for the federation and such things as what was going to be done when the agreements opened—when the agreements expires in September 30th of that year. The federation was in June. [7370] We disagreed on the position in regard to longshore work on coastwise vessels, and the most basic disagreement again was this question of job action which was at the root of the whole thing again, because I can recollect distinctly Lundeborg making the motion that any time the majority of a crew of a ship wished to take action to tie that ship up the entire coast swing in behind them with their support, and that official motion was made in the minutes and was defeated, but that was the basic matter below everything, although there were a few things that I think we agreed on.

[7371]

Q. Did you disagree with him on any question involving the organization of certain racial groups or the abolition of certain racial discriminations?

A. That was in 1934. That question kept on bobbing up with the Sailors Union, not so much with Lundeborg, but when Lundeborg moved into the leadership of the Sailors Union he followed the same policy.

(Testimony of Harry Renton Bridges.)

But the question regarding the discrimination against racial groups stemmed back from 1934 and prior to 1934.

Q. Did you disagree with Lundeberg on that trade union question?

A. Oh, yes; always have.

Q. What was yours as against his position?

A. That is, against the refusal to organize negroes, Chinese, Filipinos, or Japanese; yes.

Q. What was your position?

A. We organized everybody that worked for a living.

Q. What was his position?

A. That is, if we can, if they will join our organization. We don't discriminate against anybody because of race or color.

Q. What was his position?

A. He excludes them and discriminates against them, and has tied up ships to drive them off, and has called upon us to support his tie-ups to drive them off the ships. [7372]

We have always refused.

Q. Did you have any fundamental trade union disagreement with Harry Lundeberg at about the beginning of the 1936 Strike with respect to the beginning of the strike? A. Very definitely.

Q. What were the issues of that disagreement?

A. Lundeberg refused to work with the other unions. Lundeberg did not want to see his members on our Joint Committee.

(Testimony of Harry Renton Bridges.)

He refused to take a strike vote, preferring to let a lockout occur.

He refused to cooperate with us in the postponement of the strike date or of the deadline date of the agreements expiring; and eventually, when the strike actually took place, he almost completely disrupted the beginning of the strike by beginning to tie up ships three or four days ahead of the actual strike date.

The way the situation developed was this: The agreements, all our agreements expired simultaneously on September 30. The waterfront employers and the steamship owners had notified us that unless agreements were reached on September 30 they would shut down and work would stop. They prepared to have the shut-down. There was a tremendous amount of activity for three or four months, day and night, prior to the actual expiration date. The employers had openly told us, [7373] "Everything goes down on September 30." Lundberg agreed with them. He said, "Let the employers shut down and lock down, and the onus of the lockout, so far as the Government and the public is concerned, will be on the employers."

Our policy was different. We worked to demand an extension of the shut-down date, that is, the expiration of the agreements, which was September 30; and we worked in close cooperation with the national forces at that time—I mean the Government forces,—and eventually the employers, very

(Testimony of Harry Renton Bridges.)

much against their will, were forced to grant a 15-day extension of the agreements.

That had the effect, although they had made all plans for a shut-down, had stopped the shipment of all freight to the docks—there was barely a drizzle of freight going to the docks, and there was none on the docks at that time, and practically all the ships were at sea.

So the strategy of it was that when the 15-day extension was forced upon them they were required to practically renew operations, or begin operations all over again.

After the first 15-day extension we pushed for another 15-day extension and got it.

The strike took place at the end of the second 15-day extension.

So Lundeberg, he was following a different policy, and wanted to have the same shut-down September 30.

Then, of course, our policy basically disagreed on that. [7374] We won but, nevertheless—

Q. (Interposing) During the course of the strike was there any fundamental disagreement with him?

A. Yes; almost the entire strategy of the strike we had disagreed upon.

Q. What about the conclusion of the strike, was there any fundamental disagreement as to when and how the strike should end?

A. Very definitely.

Lundeberg, of the Sailors Union of the Pacific.

(Testimony of Harry Renton Bridges.)

and the Firemen's Union, negotiated agreements very suddenly without the Committees of the other unions knowing it.

First of all, all the Committees of the unions met together. We had an agreement among ourselves that every time there was a meeting with any group with the employers a report would be made to the entire committee.

The first thing we knew we found Ferguson, of the Firemen's Union, and Lundeborg, of the Sailors, meeting secretly with the employers and negotiating secretly for their particular groups. They reached an agreement and then tried to put their men back to work and leave the rest of us high and dry even though we had not yet had a meeting with the employers.

We took the matter before the rank and file of the Sailors Union and the Firemen's Union, and they went along with us, and they would not go along with their own officials [7375] until we had an agreement.

As soon as they had negotiated those agreements, and when we had almost arrived at agreements for the other groups, tentative agreements, at that time the Copeland Discharge Book, continuous discharge book, became an issue. It was passed by Congress—

Mr. Del Guercio (Interposing): If the Court please, I have been sitting by patiently here listening to all of this. I don't believe it is proper.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Well, this is to show bias on the part of Lundeborg.

Mr. Del Guercio: There should be some limit to it.

Presiding Inspector: It is to show bias against this witness. I think it is perhaps over-detailed. I think the substance of these disputes, to show bias is competent.

I think you are going pretty far in some of these matters.

Mr. Grossman: We need a certain amount of details so that the skeleton has some meat on it, especially, for the people who don't understand the situation.

Presiding Inspector: We are getting not only meat, but fat.

Mr. Grossman: The reason that there is so much is that there is such a basis, so much basis for bias on the part of Mr. Lundeborg, in other words, so much fundamental disagreement.

Presiding Inspector: I will allow it, but I suggest [7376] to the witness—

Mr. Del Guercio: May I be heard on that?

Presiding Inspector: Certainly.

Mr. Del Guercio: I don't believe it shows anything of the kind. It is admitted, everybody knows that there is disagreement between this man and Harry Lundeborg. There is no question about that. Their policies do differ.

Presiding Inspector: But I think they have a

(Testimony of Harry Renton Bridges.)

right to put it in the record. Everybody may not know it.

Mr. Del Guercio: That is the purpose of it, I think Lundeberg should have the opportunity to come back and give his side of the disagreements.

Presiding Inspector: Of course he is, in the course of defending his side. That part, of course, is not particularly material.

I will suggest to the witness that he be as clear in showing what these disagreements are as possible without elaborating.

By Mr. Grossman:

Q. You were discussing the issue of the Copeland book. What was the issue on which you disagreed with Lundeberg with relation to the Copeland book?

A. After all the unions had reached tentative agreements on the strike issue, as to hours, wages and working conditions, Lundeberg proposed that we continue the strike until the Government abandoned the issuance of the Copeland [7377] book that had just become a law in Congress.

Q. What position did you take on that?

A. To return to work, since we won our strike demands, and deal with the Copeland book through the Governmental agencies and through proper amendments through Congress and through administration agencies, which was eventually done.

I think the point should be clear on all these points that I am enumerating here that in practically every case Lundeberg was defeated on them.

(Testimony of Harry Renton Bridges.)

Q. Did you state in this last instance that the sole disagreement at the end of the strike was the fact that Lundeberg wanted to continue the strike for that sole issue, and you were opposed to continuing the strike for that sole issue?

A. That is a matter of record with not only the Government agencies and the Department of Commerce, and the Department of Labor, but it is a matter of official record in the labor circles, and the labor council heré.

Mr. Del Guercio: I move that that be stricken.

Presiding Inspector: That is substantially what he said before. It is repetition, but I will let it stand. I think it adds very little to what you said before. It summarizes it.

By Mr. Grossman: [7378]

Q. Was there any disagreement on trade union questions between you and Lundeberg involving a ship called the Coloradian? A. Yes.

Q. What was the essence of that disagreement?

A. The Steamer Coloradian was in Puerto Rico and—

Mr. Del Guercio (Interposing): If your Honor please, this isn't anything to refute anything Mr. Lundeberg mentioned.

Presiding Inspector: But to show bias. There was an acrimonious controversy between these men at all times.

Mr. Del Guercio: I think that the fact that there was a dispute would be sufficient for that purpose,

(Testimony of Harry Renton Bridges.)

and not the details of the dispute. I believe that the details should be stricken out.

Presiding Inspector: Well, I think that the extreme details should not be given, but what the general gist of it was I think should be taken.

Mr. Del Guercio: It is difficult to determine what are the extreme details and what aren't details.

Presiding Inspector: I will ask Mr. Bridges to confine it to the mere essence of the dispute.

The Witness: That is all I am doing.

Presiding Inspector: Go ahead.

A. (Continuing): The Coloradian was in Puerto Rico, [7379] and the crew walked off, the entire crew, sailors, firemen and cooks, in support of a longshore strike there. The longshoremen were not affiliated with us. They were A. F. of L.

Lundeberg put a crew of strike breakers on that ship, in place of the crew that walked off, including his own men. He was condemned by every Maritime union.

By Mr. Grossman:

Q. Was he condemned by you?

A. Not me personally. I had no personal animosity.

Q. I mean, did you make an open condemnation of the activity that you have described?

A. An official one, yes.

Q. Have you had any fundamental disagreement with Lundeberg on the question of longshore work

(Testimony of Harry Renton Bridges.)

being performed by members of the SUP on steam schooners?

Mr. Del Guercio: Inasmuch as this is being gone into I will object to the form of the question as being leading. The first question that was asked was if he had any fundamental disagreement with Lundeborg on labor matters; and the witness related them. Then counsel got into every specific one and is continuing to do so. We can keep this up all day and not get through.

Presiding Inspector: I think I will take it, though.

Mr. Grossman: It will save time by leading.

Presiding Inspector: You haven't much more?

[7380]

Mr. Grossman: No.

A. There is a very fundamental disagreement between both our organizations.

Q. What was the fundamental issues on which you disagreed?

A. Lundeborg and the employers wished to use seamen for longshore work at less than half the wages than they are required to pay longshoremen, and it has been a running battle for the last three or four years now. There is no question about the fact that the sailors work eight hours a day and we work a six-hour day, and they get less money per hour by far than our men. They work for less than half of the hourly wage we get, and the same applies on straight and overtime.

Q. Do they do the same work on the boat?

(Testimony of Harry Renton Bridges.)

A. Exactly the same work.

Q. On the same boats?

A. On the same boats. They might work right alongside of each other. One man might be on one end of a piece of lumber, one of our men, and one of Lundeborg's men might be on the other end of the same piece of lumber.

I will admit that the relations are a little too strained for that now.

Q. Has there been any fundamental disagreement between you and Lundeborg on the question of whether the Sailors [7381] Union of the Pacific should affiliate, or should have affiliated with the CIO?

A. Very definitely.

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: I will take it.

A. At one time his membership voted by secret ballot to affiliate. There was no question of the vote that it was overwhelmingly in favor of the affiliation. The ballots were destroyed by Lundeborg, until such a time had elapsed where he could line the thing up and take another ballot, which carried against the affiliation.

Mr. Del Guercio: I move that the answer be stricken. It certainly couldn't have been a point of disagreement because the witness had no knowledge of this, and couldn't have, if it was a secret ballot.

The Witness: I had very definite knowledge of it.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: I am not asking you.

Presiding Inspector: I think I will allow it.

By Mr. Grossman:

Q. Now, on these——

Presiding Inspector: The important fact is the attitude here.

By Mr. Grossman:

Q. Now, on these various issues that you have described, on which you fundamentally disagreed with Harry Lundeberg, [7382] have you taken an open, strong position against the position that Mr. Lundeberg has taken?

A. In every case, and I have generally been supported on them by my own union, and the majority of the other unions on the waterfront in those positions.

Q. Have you in many of these cases openly and severely criticized the position taken by Harry Lundeberg on these issues?

A. Only because of the issues and on the basis of the issues; yes.

Q. But have you made such criticism?

A. Yes.

Q. Do you know whether and when Harry Lundeberg went on strike in 1934?

A. He didn't go on strike.

Q. How do you know that?

A. I know. His own testimony doesn't only show it here, but I happen to know the entire circumstances. After we tied a ship up they fired the

(Testimony of Harry Renton Bridges.)

whole ship's crew and she was laid up. We had her on strike. All he could do was to walk off after we had tied the ship up. He never did strike.

Q. Did you work on a ship for 25 cents a month?

A. No. I can explain that particular incident.

Q. All right, if you will. [7383]

Mr. Del Guercio: Do we want an explanation too?

Presiding Inspector: It was brought out, I think.

Mr. Grossman: Mr. Lundeborg brought it out.

Mr. Del Guercio: He says "No." How is he going to explain that.

Mr. Grossman: To show how Mr. Lundeborg got a wrong impression.

Presiding Inspector: I will take it. He does not need to explain that he didn't, but he can explain what he has heard about it here.

Be very brief.

A. Very briefly—that was a particular ship laying in New Orleans, and a friend of mine had a job on it. The ship had not signed on—

By Mr. Grossman:

Q. (Interposing): You mean articles had not been signed by the crew?

A. Yes—and at the same time I was looking for a job. This friend of mine that was on that ship had a chance to go on another ship. Some Mate, or the Captain, wanted him to ship on another ship, but he didn't,—hadn't made up his mind at that time, but he preferred to take the other

(Testimony of Harry Renton Bridges.)

ship. There was some hitch in it, so I took his place on that ship while he went over and worked on the ship that he wanted to sail on. He was not sure until that ship signed on, left the [7384] port. He took the job and sailed with that ship. In the meantime I was standing by the Eldorado.

As soon as the ship signed on I signed on at full wages and was paid off in full wages, and the payroll will so show.

Incidentally, I have my union book, and the whole clearance is there. I have them with me now.

Mr. Del Guercio: I can't understand how that was in explanation of his negative answer, your Honor.

Mr. Grossman: I will explain it to you.

By Mr. Grossman:

Q. Do you know how Lundeberg got his idea about 25 cents? A. Yes, sir.

Presiding Inspector: I will allow you to show it.

By Mr. Grossman:

Q. Where did he get that idea?

Mr. Del Guercio: I understand you have ruled against me and counsel is proceeding as though you hadn't.

Mr. Grossman: Mr. Del Guercio wanted an explanation and he is going to get it.

Mr. Del Guercio: I am not asking you. I am asking the court.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I will allow him to explain.

A. The Master of that particular ship, we both happened to know him, my night Mate and I, and an examination of that record will show that I was put down at 25 cents a month. It was for the purpose—I was getting paid every day. I was working stand-by. I was just standing by while we saw if this other fellow made the other ship. If he could have made the ship that was going to India why I was through and I would get off. So the Captain wouldn't carry another man on the payroll I still held the job for this other fellow. I was down for three or four days at \$25 a month and at the same time on the regular payroll—

Mr. Del Guercio (Interrupting): You mean 25 cents a month?

A. 25 cents a month, yes—and I got the regular stand-by daily rate, and that shows on the payroll, and if anybody takes a look at the official payroll they will see it there. The records are available.

By Mr. Grossman:

Q. Do you know during what dates you were in the hospital in 1935? A. Yes.

Q. What dates were they?

A. From May 25, I think from May 26 for the next two weeks after that date.

Q. In what hospital were you?

A. The St. Francis.

(Testimony of Harry Renton Bridges.)

Q. And did you have any period of convalescence after [7386] coming out of the hospital?

A. Yes, sir; three weeks.

Q. Did you remain home during that entire three weeks' period?

A. I was required to by the doctor.

Presiding Inspector: And you obeyed him?

The Witness: Yes, until I recovered.

Mr. Del Guercio: Did you recover?

Presiding Inspector: He said until he recovered. I asked him if he obeyed the doctor and he said, "Yes, until I recovered."

Mr. Del Guercio: I thought there was a question about his recovery.

The Witness: I still have my ulcers, if that is what you mean.

Mr. Grossman: No more questions.

Presiding Inspector: The witness is yours.

Mr. Del Guercio: May we have a short recess?

Presiding Inspector: Yes.

(Whereupon a short recess was taken.)

Presiding Inspector: Now, Mr. Del Guercio, we are ready.

Cross Examination

By Mr. Del Guercio:

Q. I have one matter to clear up regarding your testimony [7387] when you were last on the stand that I forgot to ask you about. It is in connection with this resolution passed by the San Francisco Labor Council during the 1934 strike. Do you recall the resolution I read to you?

(Testimony of Harry Renton Bridges.)

A. Which one?

Q. The resolution directing that all union members disavow their connection with the Communist Party.

A. That is right; I remember that one.

Q. You have the resolution in mind?

A. Yes.

Q. I believe you testified that you opposed its adoption in the San Francisco Labor Council?

A. Oh, yes.

Q. And did you also oppose its adoption in your own local?

A. I couldn't specifically remember. It is my belief that I did. I opposed it, that is, partly because of the person who introduced the resolution.

Q. Didn't you testify in the last hearing that you did oppose it in your own local?

A. I am not testifying any different now.

Q. Then your testimony now is that you did oppose its adoption in your own local, is that correct?

A. I am not sure whether I did or not.

Q. Was your memory any better in the last hearing [7388] than it is now?

A. Yes.

Q. And if you so testified in the last hearing your testimony would be the same now?

A. I think it would be better to go by. I am two years older.

Presiding Inspector: He said that it is his best recollection now. That is right, isn't it?

The Witness: That is right.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: That is your best recollection, that is, that you did oppose it?

The Witness: Yes, sir.

Presiding Inspector: In your own local?

The Witness: Yes.

Presiding Inspector: That is how I understood you.

By Mr. Del Guercio:

Q. What is your position in the CIO at the present time?

A. Director for the State of California. That is one position. I am a member of the Executive Board of the CIO, and I am a member of the Committee on Unemployment, and a member of the Pan-American Committee.

Q. Now, as State CIO Director, what are your duties?

A. General Organizational duties, general duties of Directorship in regard to the unions in the State of California, both the local and unattached unions. [7389]

Q. That is, all the CIO unions within the State?

A. Yes.

Q. They come within your supervision as State CIO Director?

A. General supervision up to a certain point. I am not allowed—

Q (Interposing): What point?

A. I am not allowed to interfere, or have authority to interfere with a local union unless I am re-

(Testimony of Harry Renton Bridges.)

quested to do so by the International Union, or by the national officers of the CIO.

Q. Do your duties as such extend without the State?

A. No; I wouldn't say they did any more. They might in some cases in this way: It might be dealing with a situation where the union is concerned and is operating over a wide area, and you can't handle the situation in one place without taking care of it in another place.

Q. Supposing there was a situation arising in a local there of some CIO union in Detroit, would your duties as State CIO Director of California, require you to take any action in that situation in Detroit?

A. No, not unless I was especially assigned to do so.

Q. Could you do so? A. No.

Q. If you did what would happen? [7390]

A. I don't really know.

Q. Would any disciplinary action be taken by the national officers of the CIO?

Mr. Grossman: I object to that as calling for the conclusion of the witness.

Presiding Inspector: It calls for his conclusion, unless there is a rule.

Mr. Grossman: Only if there is a rule.

Presiding Inspector: If there is a rule to that effect.

By Mr. Del Guercio:

Q. What are the rules?

(Testimony of Harry Renton Bridges.)

A. I don't know of any specific rule. Possibly the least that would happen would be that you would be pretty soundly criticized maybe removed from your position, your official position in that respect.

Q. Now, are you familiar with the strike at the North American Aircraft Corporation?

A. Yes.

Q. Are you familiar with the conditions or the situation that resulted in the calling of the strike?

A. Yes.

Q. Then you know that in March—is it not a fact that in March of this year that the National Labor Relations Board named the UAW as the bargaining agent for the employees of the North American plant in Inglewood? [7391]

Mr. Gladstein: If your Honor please, may we inquire as to the purpose of this line of examination? We do not see the materiality of it on the face of the question, and we feel it is objectionable for that reason, and immaterial. But if counsel can state a purpose that is material to the issues of this case we would like to have him do so.

Mr. Del Guercio: This is preliminary, your Honor. For that reason I don't like at this time to reveal the purpose.

Mr. Gladstein: Preliminary to what? It certainly isn't secret as to what the North American Aviation strike was, so it can't be preliminary to anything.

Presiding Inspector: I suppose he is going to ask something definite. I don't know. I think I

(Testimony of Harry Renton Bridges.)

will take it. We will see about it. It is subject to your motion to strike.

Mr. Gladstein: All right, your Honor.

A. Yes, I am familiar with it.

By Mr. Del Guercio:

Q. What was the nature of the dispute between the North American Aviation plant employees and the corporation?

Mr. Gladstein: The same objection; that it is immaterial.

Presiding Inspector: I will take your word that this is something definite.

Mr. Del Guercio: Yes, sir. [7392]

Presiding Inspector: Very well. And not to show the general attitude of the CIO. We don't care anything about that.

Mr. Del Guercio: No.

Presiding Inspector: If you intend to show something definite I will take it.

Mr. Gladstein: So I won't have to interrupt, unless there is a specific basis for an objection, may it be understood that this line is being objected to as immaterial?

Presiding Inspector: Yes. But you must make your definite motion to strike at the end.

Mr. Gladstein: Yes.

A. The whole thing boils down to a question of wages and breaking of the 50-cent minimum.

The practice has been that the aircraft corporation for the first year refused to pay more than

(Testimony of Harry Renton Bridges.)

50 cents an hour. It comes to \$19.60 a week, less social security deductions.

The whole issue boiled down—there was an agreement reached on practically every issue, except the request for a wage increase from 50 cents to 75 cents an hour.

By Mr. Del Guercio:

Q. How long has that dispute been going on?

A. At North American?

Q. Yes.

A. It was in issue in the negotiations. There was an [7393] issue in negotiations, at least after the winning of the election, until the time the strike was called.

As far as the dispute going on, there has been a dispute between the workers and the management in that plant since the plant started operating.

Mr. Grossman: It must be understood that the testimony of Mr. Bridges is not from direct knowledge because I don't think he has contended that he has direct knowledge. I don't think it is contended, he personally participated in these negotiations.

The Witness: Up to this point it is from direct knowledge. I was down there and while I wasn't in the negotiations I know the issues involved up to a point.

Presiding Inspector: You have heard what he said while you were talking?

Mr. Del Guercio: No.

Presiding Inspector: He said up to this point it is from direct knowledge; that he was down there.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: Up to what point?

Presiding Inspector: Up to the point that his testimony has gone.

I now suggest to the witness that when he passes beyond his direct knowledge that he call it to our attention.

By Mr. Del Guercio:

Q. When were you down there, Mr. Bridges?

[7394]

A. I was down there the week after this trial started, while I was away for the convention. I met with these people concerned in the negotiations at that time, and with the local officials, and, as I say, I caught up on the entire situation then and, of course, I was well aware of it previously.

Q. You talked with local officials?

A. Yes.

Q. Who did you talk to?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I will take it, although I don't where it is leading.

A. I talked with three International officials, Wyndham Mortimer—

Q. (Interposing): What was his position with reference to the local union?

A. International organizer.

Q. International organizer?

A. International organizer in the aircraft field in Southern California. Also Lew Michener, Western International Representative for the region.

(Testimony of Harry Renton Bridges.)

Western Region, and that includes the entire Pacific Coast; and Jack Orr, another International Organizer; and then half a dozen of the local committee whose names I can't recall offhand.

Q. When did you talk with these people?

A. I met them just a couple of days before I returned [7395] to the hearing here after the trial recessed.

Q. Can you fix the date more definitely than that?

A. Let me see—if you can tell me the date the trial resumed I can fix it definitely.

Q. We resumed when—last week?

A. No; after I got a week off for the ILWU convention.

Q. Oh, that was sometime in May?

Mr. Gladstein: April.

Presiding Inspector: We took a recess on the 2nd day of May to the 13th day of May, as I remember it.

Mr. Gladstein: No.

Mr. Del Guercio: April.

Presiding Inspector: Wait a second. Wait a moment. I got that date wrong. From the 4th day of April to the 15th day of April.

By Mr. Del Guercio:

Q. Then, you were aware of the fact that the National Labor Relations Board in March had named the UAW as the bargaining agent for those employees of the North American Aviation Plant?

(Testimony of Harry Renton Bridges.)

A. Very definitely. We discharged our union negotiating committee for a week to send them down there to help win the election; very aware of it.

Q. And was it after that that the UAW began negotia- [7396] ting for a new increase in wages?

A. Yes, with a definite program in mind, yes.

Q. Did you support that?

A. Very definitely, yes.

Q. And what was done about that?

A. Done about what?

Q. About negotiating for increases in wages?

A. You mean what was done?

Q. Yes?

A. Well, the committee negotiated with the AUWA.

Q. Negotiated with whom?

A. The management.

Q. Did they reach any agreement?

A. No.

Q. And what happened then?

A. The strike was finally—I mean, the matter was finally sent to the National Mediation Board.

Q. Well, now, before that was done, didn't Miss Perkins of the Department of Labor try to conciliate the matter?

A. I think there was a couple of conciliators on the job for a while.

Q. Didn't they thereafter certify the matter to the National Defense Mediation Board?

A. I am not too sure about that, that that occurred; [7397] it is possible. If that occurred that

(Testimony of Harry Renton Bridges.)

occurred since the hearing has been going on the second time. I have been pretty busy and I am not sure of that.

Q. Now, when was the strike called?

A. Oh, I think it was a week ago last Thursday.

Q. Did you regard the strike as being justified?

A. Very definitely.

Q. Had you talked to anyone about it?

A. Yes, sir.

Q. With whom?

A. I talked to the entire committee when I was down there and the officials there.

Q. Do you know Mr. Connelly?

A. Certainly; I talked to him, too.

Q. Did you talk with Mr. Connelly?

A. Yes, sir.

Q. When did you talk with Mr. Connelly with respect to the time the strike was called?

A. With respect to the time the strike was called?

Q. Yes.

A. Oh, I am in frequent communication with Connelly on this particular matter. Do you mean verbally or personally or over the phone?

Q. Verbally or otherwise, telegraph or telephone?

A. I have spoken to him on numerous occasions over the phone on other matters. Of course, this matter could have [7398] been mentioned or the entire conversation might be devoted to this matter. I wouldn't be able to fix that definitely.

(Testimony of Harry Renton Bridges.)

Q. Did you tell him that you would support his position in the strike?

A. You are talking now before or after the strike broke out?

Q. After the strike broke out or before?

Presiding Inspector: You can separate them, if necessary.

By Mr. Del Guercio:

Q. Separate them, if you want to.

A. Before the strike broke out—I didn't know that the strike was going to come as suddenly as it did. I knew that they were contemplating strike action. The committee had divided itself. A part of it was back in Washington; a part of it was still in Los Angeles. They were in daily telephone communication; they had a daily telephone meeting. Of course, at that time I was pretty busy up here and didn't keep in very close contact with it. The whole matter was handled—because after all, they had their own representatives in charge and it was not under my immediate supervision unless I was called in and requested to do something, and I was not so requested. However, in so far as the—it was certainly my position that if they thought it was necessary to strike, if there was no compromise could be arranged in negotiations [7399] or any other way, and they struck to break that fifty-cent minimum I was certainly in support, or would support the strike.

Q. Did you communicate with Mr. Connelly?

A. At that time when—no, not before the strike.

(Testimony of Harry Renton Bridges.)

actually broke out. There was no occasion to do that. In other words—

Q. (Interposing) Did you after the strike was called?

A. After the strike was called? Yes, I discussed the matter with Connelly and with others, and I told—

Q. (Interposing) In what manner did you discuss the matter with Connelly?

A. I discussed all the details with Connelly over the phone.

Q. Over the phone? A. Yes.

Q. Now, when did you call Mr. Connelly over the phone?

A. Oh, I practically called—I might have called Connelly daily.

Q. After the strike was called when did you call the first time?

A. The first time? I really don't know. I could be specific as to those conversations that are very definitely fixed in my mind. [7400]

Q. When was the strike called?

A. I am trying to think of that now, too. I am not sure of the date.

Presiding Inspector: You said a week ago last Thursday.

The Witness: That is—yes, but thinking it over that date might be incorrect.

Presiding Inspector: Yes.

(Testimony of Harry Renton Bridges.)

By Mr. Del Guercio:

Q. That was Thursday, was it not, the 5th of June?

A. That is right; it was just last Thursday.

Q. Yes. And did you call him up that day?

A. No, no; I have no recollection of calling Connelly specifically on this until I was speaking to him Saturday morning, I think, and then I tried 11:30 last Saturday night.

Q. Well, now, you said you talked to him Saturday morning the first time after the strike was called.

A. Yes, I am pretty sure I was talking to him on the phone Saturday morning.

Q. All right. Now, what did you tell him over the telephone Saturday morning?

A. I don't recall; nothing important. I think the conversation more or less was that I asked him "What does it look like? What is doing in the strike situation down there?" We discussed more than one matter.

Q. Did he ask for your support?

A. No, not at that time. [7401]

Q. In that telephone conversation?

A. Not at that time.

Q. When did he ask for your support?

A. At no time.

Q. When did he ask for your support of his position?

A. He never asked me for any support at any time. I tried to get him, as I said, Saturday night.

(Testimony of Harry Renton Bridges.)

I tried for two or three hours to reach any of the officials down there. That was after the threat had come out that the troops were going to be used. I spent until 11:30 Saturday night trying to reach him and couldn't. I couldn't reach Connelly until Sunday morning; I reached him about 8:00 o'clock Sunday morning and talked the situation over at great length.

Q: What did you say to Connelly then?

A: I told him to pull in his horns and duck it, and not to call that strike.

Q: In those words?

A: Yes, in those words.

Q: You didn't tell him Saturday night that you would support his position in the strike?

A: I was trying to call him Saturday night to tell him that that strike was going to be smashed by the Federal Government and the troops.

Q: Now, did you understand my question?

A: I thought I did; maybe I didn't.

Q: Now, is it your testimony that you did not at any [7402] time after the strike was called communicate with Connelly by either telephone, telegraph, teletype or any kind of communication that you would support in substance—that you would support his position in that strike?

A: That is right; that is my testimony. The first time that I had done anything like that, or said anything like that was Sunday morning. When the meeting was coming up Saturday afternoon I said, "Well, tell the fellows best wishes and good luck

(Testimony of Harry Renton Bridges.)

from me." That was the only message of greeting or support that I sent down there; that was over the phone. There was no letters, telegrams, teletypes or anything else sent, and at no time did I support Connelly's position in the strike.

Mr. Grossman: We ask again, your Honor, what the relevance of this line of inquiry is?

Presiding Inspector: I don't know.

Mr. Del Guercio: May I get that last answer, please?

Presiding Inspector: The conduct, I suppose, of the CIO official.

Mr. Grossman: What is there about the conduct, according to the theory of Mr. Del Guercio, that makes it relevant?

Presiding Inspector: I don't know. That is all I can see.

The Witness: I am not sure, your Honor, what he is referring to.

Presiding Inspector: Well, he is asking you certain [7403] questions. You are answering it very fully.

The Witness: Well, he says "Connelly's position in the strike?"

Presiding Inspector: Well, that I didn't notice.

The Witness: Now, the position can change from day to day. There were certain positions that I supported fully.

By Mr. Del Guercio:

Q. Let me substitute instead of "Connelly's position," did you support the strike or did you tell

(Testimony of Harry Renton Bridges.)

Connelly you would support the strike at any time after it was called?

A. No, I didn't tell Connelly that I can recall, no, but I was in full agreement with the strikers' demands, and if I had been requested—it just happened that I was not asked—I had been busy—

Q. (Interposing) You say you were in full agreement with the demands of the strikers?

A. Very definitely, yes, and still am.

Q. Did you express that to anyone?

A. I am sure I did.

Q. To whom?

A. Well, I would express it generally. If you are asking the question did I express it in any official way, no, I didn't.

Q. To whom did you express the statement that you have made, that you were in full agreement with the demands of the [7404] strikers?

A. Oh, I expressed that to the—

Q. (Interposing) Or with the strike?

A. After the strike was called.

Q. After the strike was called. Now, to whom did you express that?

A. I expressed that to local officials right here in San Francisco such as Goldblatt, Louie Goldblatt. He is the Secretary of the State CIO.

Q. And also a member of the Communist Party.

A. That is not so.

Q. Now, who else?

A. I am sure I expressed it to George Wilson who is the President of our Local CIO Council here.

(Testimony of Harry Renton Bridges.)

and other officials that I met with every day. I could name off all our Local CIO officials, and any of them that happened to come up from Los Angeles.

Q. Now, who did happen to come up from Los Angeles connected with the strike?

A. Connelly was up here last week. I am just wondering if it was before or after the strike. He was up in the hearing here and I know I discussed the North American situation with him. If he was here after Thursday—

Q. (Interposing) Well, try and recall as to whether he was, now.

A. I really can't recall the exact day he was here. [7405] whether it was before or after Thursday. If it was after Thursday I certainly discussed North American with him, and if they were on strike at that time I would certainly have told him, and I still think that the strike demands were entirely justified.

Q. And that you would support it, throw your support to the strike?

A. Certainly. I was in support of the strike. If I haven't expressed it before I will now. So was the National CIO.

Q. Now, was your attitude, the one that you express now communicated to the strikers by anyone?

A. Only in the way I said that I know of, where I told Connelly last Sunday morning to give my regards and greetings to the strikers in the mass meeting that afternoon.

(Testimony of Harry Renton Bridges.)

Q. Now, what did you mean when you said "Give my regards and best wishes to the strikers"?

A. Well, that is the usual thing when there is a group of people on strike. Lots of times in a strike meeting, or even a union meeting the officer in charge will announce that, "We have received telegrams of greetings and best wishes from so and so," this and that and the other union.

Q. Now, that was an expression of your support of the strike, wasn't it?

A. That was Sunday morning.

Q. And you intended it to be that? [7406]

A. No, not particularly.

Q. What did you intend it to be?

A. I called Connelly Sunday morning to tell him to move to try and have that strike called off, because it was going to be smashed.

Q. I am speaking about the time that you sent this expression of your wishes, best wishes?

A. It was not, no; that is what I am saying, no, it was not.

Q. What was it?

A. Well, it was the usual thing. I think that—it is nothing unusual for me or many others to send a message of greetings and best wishes to any group of workers, and here was a group—

Q. (Interposing) Best wishes for what? For success in the strike, what they were striking for?

A. Yes, certainly; best wishes, for success in what they were striking for, and they have still got them, my best wishes for that.

(Testimony of Harry Renton Bridges.)

Q. All right. Were picket lines formed?

A. If it was the kind of strike that we have they were.

Q. Were your longshoremen at San Pedro used in the picket line?

Mr. Gladstein: Just a moment. It is quite obvious that Mr. Del Guercio is now questioning about a subject [7407] matter that took place in Los Angeles on days that Mr. Bridges was here in Court. He is calling for hearsay of a character that certainly can't be material to the issues of this case. I think it is about time we put a stop to it.

Presiding Inspector: I don't see that it is very harmful. What difference does it make?

Mr. Del Guercio: It won't be very long.

Presiding Inspector: It was a strike. I don't suppose it is necessary to—

By Mr. Del Guercio:

Q. (Interposing) Were longshoremen from San Pedro used on the picket lines?

A. I don't know of my own knowledge; I have heard it and I suspect it and I would favor it.

Q. Did you favor it?

A. Our union is on record to support that group down there. If they sent out a call for help and support on the picket lines I believe our locals would respond.

Mr. Del Guercio: What?

Presiding Inspector: He said he favored it.

(Testimony of Harry Renton Bridges.)

By Mr. Del Guercio:

Q. Now, you knew, did you not, that late in May at the invitation of the National Defense Mediation Board representatives of the company and of the union went to Washington to thresh out the difficulties of the strikers? A. I knew that. [7408]

Q. And you knew that these representatives reached an agreement on May 27th, 1941 with each other and with the Board?

A. On what?

Q. Did you know the terms of the agreement?

A. I know nothing. I know that no such agreement was reached, that is, I do not know of it.

Q. Well, you are State Director of the CIO, are you not? A. That is right.

Mr. Gladstein: That has been asked and answered and is immaterial.

By Mr. Del Guercio:

Q. Would that be a matter under your jurisdiction?

A. Not particularly, no, unless it is called specifically to my attention, but it is a matter I would try to find out just for my own knowledge, that is all, but I know of no agreement that was reached between the representatives of the union and the management before the Mediation Board; I know the opposite.

Presiding-Inspector: Did you hear the last phrase?

Mr. Del Guercio: What?

(Testimony of Harry Renton Bridges.)

Presiding Inspector: He said he knew the opposite.

The Witness: I should say, your Honor, I was informed of the opposite effect.

By Mr. Del Guercio: [7409]

Q. Now, who informed you of the opposite effect?

A. I don't know whether it was Connelly or Goldblatt, one or the other, or both.

Q. And what did he say?

A. The union committee—there was a committee of nine in Los Angeles. Three of them were dispatched to Washington by the membership of the local union to meet with the Mediation Board and the management. The committee spent some time back there and eventually the Mediation Board told both the management and the union committee to get together by themselves in negotiations and see if they could reach an agreement. This was done, and the union committee—

Q. (Interposing) And that agreement provided for mediation of the demands?

A. What is that?

Q. And was mediation of the demands one of the agreements reached?

Mr. Grossman: Just a minute. Mr. Bridges has not stated any agreement was reached.

Presiding Inspector: Oh, no; he has not yet said there was any agreement.

You may ask him if that was a subject that was discussed.

(Testimony of Harry Renton Bridges.)

Mr. Del Guercio: Yes.

The Witness: Yes. Naturally all the issues were discussed, and I am giving you now what I was told in this respect in the report, and I understand that everything was agreed to, [7410] or gotten around that is, all the issues were gotten around except the one issue of the wages, and the union committee and the management retired at the request of the Mediation Board to thresh the thing out, or to thresh this problem out alone by themselves, and they worked on it for two or three days and they got nowhere. Eventually the union committee in Washington telephoned the local committee in Los Angeles. They used to hold regular daily meetings over the telephone, the three in Washington and the six in Los Angeles. And the union committee in Washington telephoned the local union committee in Los Angeles that there was no chance apparently, from what they could see, of getting anywhere either in the Mediation Board or with the management on the question of wages, that it looked completely hopeless as the management had not budged an inch.

By Mr. Del Guercio:

Q. Now, the National Defense Mediation Board had made no recommendations up to that time, had it?

A. I don't think it had.

Q. And isn't it a fact, Mr. Bridges, and didn't you know that this agreement had been reached, one, that there was to be no stoppage of work or

(Testimony of Harry Renton Bridges.)

interference in any way with production during the pendency of the case before the National Mediation Board and for three days after the Board's recommendations are made?

A. When was that supposed to have been reached? [7411]

Q. At 7:00 P. M., May 27, 1941.

A. I don't know of it. Was that agreement reached with the union committee?

Q. Yes, didn't you know about that?

A. Was that agreement reached in connection with the first strike deadline?

Q. I will show you a copy of the agreement reached, Mr. Bridges.

A. I know this was done: The union committee went back with a strike deadline and there was an agreement reached to postpone that deadline, which the union agreed to, and in that respect, why, my office and other offices recommended to the local union that they respect the decision reached by the Mediation Board, and the deadline was postponed.

Q. Will you look at that agreement or that copy of that agreement and tell me if you have ever seen it?

A. (Examining document) That is in regard to the agreement, not to the strike. In the last paragraph there it shows you where the union membership voted to accept the agreement.

Q. Then, you knew about it, didn't you?

A. I not only knew about it but I supported it.

(Testimony of Harry Renton Bridges.)

Q. And then you knew there was an agreement not to strike?

A. That is not so. Now, if you will read that thing you will see that the strike committee had—that the union [7412] had a strike deadline, and that on the basis of the management offering to—

Q. (Interposing) Wherein in this agreement do you see that the strike committee had a deadline or a date line?

A. (Examining document) "Union stated that membership would not permit deferment of strike action later than Tuesday, June 3, 1941." Right there (Indicating). Here is the paragraph about strike action (Indicating). There is the last where the union concurs with the Board's recommendation.

Q. Now, you referred to this No. 12 which reads as follows:—No. 12 there which is not the agreement reached, isn't that a fact, Mr. Bridges?

A. No, not the way I read it.

Q. Now, isn't this the only agreement that was made and reached: "1. Agreements when and if reached would be retroactive to May 1st."

A. Right, that is one point.

Q. "2. No stoppage of work or interference in any way with production will be permitted during the pendency of this case before the National Defense Mediation Board and for three days after the Board's recommendations are made."

"3. The issue of retroactive benefits is hereby removed from the list of items to be considered dur-

(Testimony of Harry Renton Bridges.)

ing negotiations, it being fully understood that this issue has not been settled finally.

"4. Failure in any respect to abide by the terms of [7413] Paragraph 2 hereof, automatically invalidates the Company's obligation expressed in Paragraph 1 hereof."

A. Yes, sir.

Q. "5. It is hereby agreed that neither the Union or the Company will make any statement to the press."

Now, isn't that the agreement that was reached?

A. Let me see. (Examining document) No.

Q. That is, the quoted portion?

A. Just a minute. You have read a proposal that was made to the union by the employers. It was presented to the union committee by the National Mediation Board. The union committee informed the National Mediation Board they would have to take it back to the membership, and it was agreed that they take that back to their membership. It was never accepted by the union. That is the way I read that.

Q. Now, how do you know that it was never accepted by the union?

A. Just according to what you have got there. I don't know any other way. I don't know whether it was accepted or not. I am just—you are asking me.

Q. Then, you don't mean what you said before that it was not accepted by the union?

A. Now you are pointing out certain language

(Testimony of Harry Renton Bridges.)

there. If you are asking me what it means I can tell you. If you ask me what that says I have told you. [7414]

Mr. Grossman: Your Honor, I think at this time that should be marked for identification. Quite obviously we are going to have a lot of questions to ask on it.

Presiding Inspector: Yes, I think it should be marked.

Mr. Del Guercio: I will be glad to have it marked.

Presiding Inspector: Mark it for identification.

(The document referred to was marked Government's Exhibit No. 293 for identification.)

By Mr. Del Guercio:

Q. Now, No. 17 on this document, on this copy of the paper that I have here, that has been marked Government's Exhibit 293 for identification reads: "Company representatives were later informed by Mr. Seward that union representatives had telephoned the Los Angeles Committee who had agreed to accept the offer, but because of the possibility of independent strike action being taken, the Washington representatives were urged to go to Los Angeles to present the matter fully to the membership at a meeting Saturday, May 31, 1941."

A. Right.

Q. Now, you knew about that, didn't you?

A. Well, no, I didn't in detail, only generally, but that is clear enough there. I explained how the committee was working, six in Los Angeles, three in

(Testimony of Harry Renton Bridges.)

Washington, and the three in Washington never had authority to accept that offer without the majority vote of the full committee and the membership. They could only accept it tentatively for presentation [7415] to the membership.

Q. Now, is it still your testimony that there was no agreement between the union and the company?

Mr. Gladstein: I object to that as calling for the opinion and conclusion of the witness, and in view of the circumstances, namely, that he isn't a party to any agreement, if there was one, that he is not—

Mr. Del Guercio: He was a party inasmuch as he is the State Director, your Honor.

Presiding Inspector: I think I will take it.

Mr. Grossman: May I say this: Mr. Del Guercio is getting into this kind of a field where if he gets in he is going to be all the way before he gets through. On whether there is an agreement doesn't depend the legality of an agreement; it depends upon whether a particular body of men—

Presiding Inspector: (Interposing) I suppose the pertinence of that—this is imaginative on my part—I suppose the pertinence of this is in relation to the conduct of the witness as the State superior officer of the CIO organization.

Mr. Grossman: Yes, but I mean asking—

Presiding Inspector: (Interposing) And so his attitude, his beliefs in it become material, if there is anything in it.

Mr. Grossman: Just a moment. I haven't explained what [7416] we mean by agreement. He has

(Testimony of Harry Renton Bridges.)

asked this question: Was there an agreement. Whether there was an agreement doesn't mean whether somebody offered an agreement.

Presiding Inspector: I think the question really means what was his understanding in that respect.

Mr. Grossman: All right. He should be asked that.

Mr. Gladstein: One more thing: Is it the Government's—

Presiding Inspector: (Interposing) I think that is the purport of the question.

Mr. Gladstein: The witness has already testified as to this particular strike, and as he has described it, in various situations he would not have direct supervision unless he were requested to come in and participate, that he has certain duties which he has outlined in a general way. It doesn't appear from the testimony that he had any duties or powers of any special character with respect to this particular strike.

Presiding Inspector: That may be, except under his general office that is all. He has general supervision of the unions in the State, as I understand it.

Mr. Grossman: No supervision in the sense that he could control this union.

Presiding Inspector: What "supervision" means, I don't know.

Mr. Grossman: Well, it is understood, is it not, that before the word "agreement" can be used in a question it must be defined by— [7417]

(Testimony of Harry Renton Bridges.)

Presiding Inspector: (Interposing) It isn't proof that there was an agreement.

Mr. Grossman: No, I mean before the word can be used, since there are a variety of definitions, it must be defined either by Mr. Del Guercio or by Mr. Bridges.

Presiding Inspector: Oh, I think that Mr. Bridges understands this, that they are asking for his understanding of this.

That is right isn't it? You are asking for his understanding of this?

Mr. Del Guercio: That is correct.

Presiding Inspector: Yes. Of course, whether there was in fact an agreement may be outside of his knowledge, but you are trying to get his understanding of the matter.

Mr. Del Guercio: His understanding of the matter.

Presiding Inspector: Yes. I think we understand it.

By Mr. Del Guercio:

Q. Now, you say there was no agreement, that you had no knowledge of any agreement?

A. I was informed to the contrary; I checked on that.

Q. Well, where did you check; with whom?

A. I am not sure whether it was Connelly or Goldblatt. The way it works is this: Since I have been busy in the trial we have had to—we function through our other officials and the best I could do

(Testimony of Harry Renton Bridges.)

is to get reports from them from time to time as to what is going on. [7418]

Now, it was officially and definitely reported to me that there was no agreement reached in that Mediation Board, and the reason that I wanted to know is because of newspaper reports that there was confusion regarding the calling of the strike, and I was notified that no agreement had been reached.

Q. Now, who notified you of that?

Mr. Grossman: He has answered that question.

A. I am not sure whether it was Goldblatt or Connelly; it was one or the other, or both of them.

Presiding Inspector: He says he isn't sure.

By Mr. Del Guercio:

Q. Did you communicate with any other CIO official? A. Yes.

Q. Did you communicate with Mr. Murray?

A. I did.

Q. About this matter? A. Yes, sir.

Q. And what did Mr. Murray tell you?

A. I talked it over with him, gave him my ideas.

Q. With regard to this agreement that had been reached?

A. Oh, no, I am sorry, not in—well, indirectly we discussed the workings on the Mediation Board but not specifically that agreement, I don't think.

Q. Well, what did Mr. Murray say to you?

A. Well, I called Mr. Murray to discuss the mat-

(Testimony of Harry Renton Bridges.)

ter with him and give him my ideas on it and suggestions, and asked authority to do certain things. [7419]

Q. When was this conversation that you had with Mr. Murray?

A. I am trying to fix the—it took me 24 hours to get him. It was Monday, Monday night. I tried to reach him Sunday afternoon, and I didn't get him until Monday.

Q. Monday morning?

A. No. Monday, the first time—I had two or three conversations. The first time was definitely Monday night.

Q. You say you had two or three conversations? A. Yes.

Q. With Mr. Murray? A. Yes.

Q. When was the first one, the first conversation with regard to this matter?

A. I think that was Monday night.

Q. Monday night? A. Yes, sir.

Q. That is June, the—

A. (Interposing) It was last Monday night.

Q. Huh? A. This last Monday night.

Q. Did you talk to Mr. Murray before the plant was seized by the Government?

A. I don't think so. That is what I was trying to remember. It shouldn't slip my mind. I don't think I did. I [7420] was still talking to the local people and trying to reach Frankenstein. I was trying to reach Frankenstein Saturday night, but they were all pretty busy and I couldn't get

(Testimony of Harry Renton Bridges.)

none of the people down there Saturday night. They were busy apparently in the meeting.

Q. You didn't talk to Frankenstein prior to the time the plant was seized?

A. What is that?

Q. Did you talk to Frankenstein prior to the time the plant was seized?

A. I couldn't get him at any time; I couldn't get him at any time.

Q. When did you talk to Frankenstein?

A. The first time I got him was Tuesday morning.

Presiding Inspector: Is there any evidence as to the position that Mr. Frankenstein holds?

Mr. Del Guercio: We have Mr. Frankenstein here, if your Honor please.

By Mr. Del Guercio:

Q. What was your conversation with Mr. Murray?

A. I asked him for authority to go down and settle that strike and get those workers back to work.

Q. Just what did you say?

A. I told him it was a bad situation. I didn't—

Q. (Interposing) Did you say in what way it was bad? [7421]

A. Yes, sir.

Q. Can you tell us?

A. 2500 troops are always bad in a strike for somebody.

Q. Well, just what did you tell Mr. Murray?

(Testimony of Harry Renton Bridges.)

A. That is what I told him. I told him I had faced a few bayonets myself and I didn't like to see a young group of people like those people down there—they are all young unionists, and I didn't like to see them facing bayonets.

Q. What did Mr. Murray say? Is that all you told Mr. Murray? A. No; I outlined—

Q. (Interposing) Tell me all that you told Mr. Murray.

A. I outlined a plan for settlement.

Q. What is that?

A. I outlined a plan for settlement, that I would go down there. I made reservation on the seven o'clock plane Tuesday morning to go down there.

Q. Well, now, you didn't tell that to Mr. Murray, did you? A. I did.

Q. All right. What else?

A. And I had a—the thing had developed to the point then where there was quite a wide breach between Richard Frankenstein, who was the Aircraft Director, and the local [7422] leadership, and I told Mr. Murray that the best thing I could do was to get down there and try to go between the two groups and get those workers together and tell them to get back inside that plant and get to work and "Let's fight for the demands back in Washington." And I asked Mr. Murray if I could tell them, those workers, that he would pledge himself along with the rest of us that we would carry

(Testimony of Harry Renton Bridges.)

on, the fight through all the other channels we could to get them their 75 cents an hour.

Q. What did Mr. Murray say?

A. He said "O.K." Generally he was in favor of the plan, and I made arrangements to call him next morning between 4:30 and 5:00.

Q. Now, did you have any discussion over the telephone with Mr. Murray regarding your action in connection with the strike prior to the time the army had seized the plant? A. No.

Mr. Gladstein: The question is indefinite.

The Witness: I don't know what you mean by that.

By Mr. Del Guercio:

Q. None at all?

A. Mr. Murray knows my action.

Q. Did you tell Mr. Murray that you had supported the strike prior to the time the army took it over?

A. No; he asked me my position; I told him my position. [7423]

Q. What was your position? What did you tell him was your position?

A. Well, I have just told you what that was; I told Murray.

Q. Prior to the time that the army had taken it over, had taken the plant over?

A. We didn't discuss that. There was no—we had other things to discuss. We weren't discussing the fact that the army had taken over. I didn't waste any time.

(Testimony of Harry Renton Bridges.)

Q. Did you tell him what your attitude was prior to the time that the army had taken it over?

A. No, there was no necessity to do that. He knows what my attitude is.

Q. Well, how did he know what your attitude was?

Mr. Gladstein: I will object to that as immaterial.

A. It was only two weeks ago I was back in New York talking to Mr. Murray, among other things talking about North American.

By Mr. Del Guercio:

Q. Did Mr. Murray support your action?

A. Mr. Murray is in favor of those workers' demands.

Q. That is not the question. I asked was Mr. Murray in favor of your supporting the strike?

A. I am sure he is, but it is up to what point you mean. Support extends to—[7424]

Q. (Interposing) Did Mr. Murray tell you he was in favor of calling a strike at the North American plant?

A. No, it hadn't reached that point. I don't think I discussed calling a strike.

Q. Did Mr. Murray say to you at any time that he would support the strike after it was called?

A. No, I don't think he did.

Q. Did you tell Mr. Murray that you had stated to three persons that you would support the strike after it had been called?

(Testimony of Harry Renfon Bridges.)

Mr. Gladstein: That is a misstatement of the evidence. The witness hasn't said that he would support a strike in advance of the calling of the strike.

Mr. Del Guercio: There were three persons in Los Angeles that he was in agreement with; he told three persons——

Mr. Grossman: (Interposing) Let's get this question cleared up. Does it mean tell someone before the strike took place or after the strike took place?

Mr. Del Guercio: After the strike was called. The witness knows what I mean.

The Witness: Your Honor, I just want to say this much: What is causing the confusion here is this: In addition to being CIO Director I am the President of an organization that is on record to support these people, and I can take a position as President of the organization, and Mr. Murray or [7425] nobody else in the CIO has got anything to do with it except that organization. Any position I wish to take in regard to that strike as President of the longshoremen, that is our business and nobody else's.

By Mr. Del Guercio:

Q. Now, your position—— A. Now——

Q. (Interposing) Well, just a minute.

Mr. Gladstein: Just a moment.

Presiding Inspector: Let the witness finish his statement. I think this is an interesting statement.

(Testimony of Harry Renton Bridges.)

Go ahead, Mr. Bridges.

The Witness: And as the President of the organization I sent greetings and wishes to the strikers and that is all.

By Mr. Del Guercio:

Q. Yes, best wishes, wasn't it?

A. Best wishes. Well, they weren't bad ones.

Q. Now, your position in connection with the strike was contrary to the position taken by Murray, was it not? A. No. In what respect?

Q. In that Mr. Murray was opposed to the strike being called at the time that it was.

A. Oh, that may be so.

Q. And in its continuation?

A. I don't know so much about that.

Q. Now, you know, as a matter of fact, that it is [7426] Mr. Murray's position and was Mr. Murray's position—

A. (Interposing) Against the strike being called?

Q. Yes.

A. Well, if we are arguing Mr. Murray's position, or whether I was in agreement with it or not—

Q. (Interposing) Were you against the strike being called?

A. Under the circumstances, yes.

Q. Did you express that to anyone?

A. To who?

Q. To anyone? A. Well, the strike—

Q. (Interposing) At the time?

(Testimony of Harry Renton Bridges.)

A. The strike was an unexpected occurrence to me. I was busy up here.

Q. After it had been called you sent them your best wishes.

Presiding Inspector: You have had that several times.

Mr. Gladstein: He said that six times.

A. Certainly. After the strikers—after the strike was called and the workers are meeting down there, and it was a tense and tight situation, you are not going to be able to have the confidence of those workers and be able to give them proper advice that they might respect and listen to if you go around acting a certain way. I was operating on the basis [7427] that I wanted to be in a position that when I advised those workers to do something they might listen to me, and eventually maybe they did.

By Mr. Del Guercio:

Q. And you had advised them to continue out on strike?

A. I had not at no time. The strike was called Thursday and on Saturday night I was trying to get in touch with all those leaders down there and couldn't raise one. As soon as I got a report Sunday morning I sent Goldblatt down there to try and do something about that strike because I knew the troops were going to move in.

Presiding Inspector: Now, Mr. Del Guercio, it is perfectly apparent that we can't finish tonight.

(Testimony of Harry Renton Bridges.)

Mr. Grossman: Your Honor, I don't know why we can't finish tonight. If Mr. Del Guercio wants to turn this hearing into an anti-labor hearing because he is trying to make some point because Mr. Bridges supports strikers, I suppose we can't finish tonight. If we are going to discuss the issues of this case I suppose we can finish.

Your Honor, we have been trying since the beginning of this examination to get a statement of the theory. The only theory I can see, Mr. Del Guercio condemns Harry Bridges for sending his good wishes to those strikers on Sunday morning. Otherwise there seems to be no theory to this cross examination. [7428]

Presiding Inspector: I don't know what theory there is, but—

Mr. Grossman: (Interposing) What other theory is there?

Presiding Inspector: Mr. Del Guercio assures the Inspector that he has a theory. I can imagine it is a conflict between the officers of the International Association and his position as the State leader. Now, I don't know.

Mr. Gladstein: Could we do this, your Honor: At the beginning of this examination we objected to it as being a lot of inquiry which did not appear to be material to any of the issues.

Presiding Inspector: Yes.

Mr. Gladstein: And at your Honor's remark Mr. Del Guercio said that he did have a purpose and he implied at least that that purpose would

(Testimony of Harry Renton Bridges.)

show that the line of examination was material, but he didn't prefer to state it at that time.

Now, this was almost an hour ago and it seems to me that it is about time to find out now that he has covered this North American strike how he contends that it is material, your Honor.

Presiding Inspector: I don't know. At least, I don't know definitely.

Mr. Gladstein: Could we not have a statement?

Presiding Inspector: You could imagine as well as I. Of course, you have thrown into the arena here the conduct [7429] of this man as a trade unionist.

Mr. Gladstein: Yes.

Presiding Inspector: And I suppose it has something to do with that?

Mr. Gladstein: Yes.

Presiding Inspector: You see, you have even gone and called expert witnesses.

Mr. Gladstein: So we have, your Honor.

Presiding Inspector: We will take a recess until tomorrow morning.

Mr. Del Guercio: If the Court please, we have one witness here we would like to call.

Presiding Inspector: Just a moment. [7430]

Mr. Del Guercio: We have one witness here who would like to leave tonight, if possible. I don't believe it will take very long.

Presiding Inspector: How long will it take?

Mr. Del Guercio: Not more than fifteen minutes.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: If it is Mr. Frankenstein it may take a long time because, I assume from the newspapers the subject matter that the Government intends to ask him about is the North American strike. They have gone into that with Mr. Bridges for an hour and Mr. Bridges wasn't personally involved or on the scene, and if they put Mr. Frankenstein—

Presiding Inspector: (Interposing) I don't suppose what actually happened there except Mr. Bridges' attitude toward it is very material, if there is anything here.

Mrs. King: If your Honor please, we suggested that Mr. Frankenstein be put on before Mr. Bridges. They refused to do that at that time. Now, they are complaining because we don't want to have him put on at this time of the night. If they wanted him on today why didn't they put him on before? Because they wanted to put Bridges in a hole is why they wouldn't do it.

Mr. Grossman: All they wanted to do is make a newspaper deadline; that is the only reason. We say this: We say this hearing can end today if they are going to stick to the issues. If they want to make it an anti-labor proceeding the issues are going to be longer and we are going to go into [7431] detail to show the anti-labor activities of the FBI and the pro-labor activities of Mr. Bridges.

Presiding Inspector: It isn't going to be anything of that kind.

(Testimony of Harry Renton Bridges.)

Mr. Grossman: We made a motion to strike at the beginning. It was stated at that time that we would permit Mr. Del Guercio to ask a few questions so that he could take someone by surprise before we asked him to state his theory. At this time, after an hour, he is still not prepared to state his theory. It appears to us irrelevant. We renew our motion to strike all this evidence.

Presiding Inspector: I will still permit this to stand because I don't think the matter is fully clarified. I think the purpose of it is to show what kind of a labor leader the witness is, the Alien. I can't imagine anything else, and I suppose that inquiry is opened.

Mr. Gladstein: Well, now, how long does the Government think the witness will take?

Major Schofield: Fifteen minutes.

Mr. Gladstein: It may be forty-five minutes on cross.

Presiding Inspector: You may not want to ask him anything.

Mr. Gladstein: I doubt that very seriously. If the Government intends to put on a man whom we wouldn't be interested in asking any questions on cross examination, or very few, then, it certainly can't be to put in evidence that we are [7432] interested in or which could be regarded as important in any way.

Mr. Del Guercio: He is a CIO official, if your Honor please.

Mr. Grossman: But you are not going to bring

(Testimony of Harry Renton Bridges.)

out the facts that we have. That is what will take the time.

Mrs. King: We would suggest that his testimony is immaterial anyway.

Presiding Inspector: Step aside.

(Witness temporarily excused.)

Presiding Inspector: Call your witness, but I am not going to tolerate this lasting any length of time. [7433]

Presiding Inspector: Step up and raise your right hand.

RICHARD T. FRANKENSTEEN

called as a witness in rebuttal on behalf of the Government, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: Richard T. Frankenstein —
F-r-a-n-k-e-n-s-t-e-e-n.

My home address?

Presiding Inspector: Yes.

The Witness: 18685 Roselawn Avenue, Detroit, Michigan.

Direct Examination

By Mr. Del Guercio:

Q. Mr. Frankenstein, what position do you occupy in the CIO?

A. I am National Director of Aviation.

(Testimony of Richard T. Frankenstein.)

Q. What is the UAW?

A. United Automobile Workers, an affiliate of the CIO. However, in my capacity, I represent the CIO directly.

Q. Are you familiar with the dispute of the North American Aircraft Corporation employees?

A. I am.

Q. And will you tell us what you know about that dispute? [7434]

Mr. Gladstein: I object to that as immaterial. I think the Government's question should be confined. I would like to hear the story but—

Presiding Inspector: Are you going to show that Bridges knew of this, or was informed of it?

Mr. Del Guercio: He was informed of it.

Presiding Inspector: If he was informed of it I will take it, that is, to show that Mr. Bridges was informed of it I will take it.

Q. May I ask—

By Mr. Del Guercio:

Q. First—what is the bargaining agent for the North American Aircraft Corporation employees?

A. The United Automobile Workers—CIO.

Q. When did they make it the bargaining agent?

A. Well, they were certified some two months, two and one half months ago.

Q. Now, after they were certified did they make any demands? A. They did.

Q. And what were those demands?

A. There were many different demands—se-

(Testimony of Richard T. Frankenstein.)

minority, bargaining rights, wage adjustments, minimum wage standards, union shop—and various things that go with any contract.

Q. And to whom were those demands stated?

[7435]

A. They were submitted to the management of the North American Company.

Q. Did they come to any agreement?

A. No.

Q. And what was the result?

A. It resulted in a strike vote being taken, after which the situation was certified to the Defense Mediation Board.

Q. Who certified it to the Defense Mediation Board?

A. It was certified by Madam Frances Perkins.

Q. What did Miss Perkins do—did she take any action?

A. No, except to certify the fact that the strike, or that the negotiations were not able to produce results through the Mediation Department, and asked the Defense Mediation Board to try to their hand at settling the case.

Q. Did the National Defense Mediation Board take any action?

A. They set up a panel in the City of Washington for the purpose—

Q. (Interposing) What did the panel consist of?

A. The panel consisted of Dr. Dykstra, Tom Kennedy, Secretary of the United Mine Workers,

(Testimony of Richard T. Frankenstein.)

and I don't recall the third party to the panel, the representative of management.

Q. What action did the Mediation Board take?

A. I think I am a little bit ahead of my story—if [7436] I may go back a minute.

Q. Yes.

A. The first action that was taken, when the Committee arrived in Washington, I was present with the Committee, and we were unable to get a panel due to the fact that all panels were tied up in the various cases that were at that time before the Mediation Board. However, we did meet with the Secretary of the Mediation Board, Mr. Seward; and later in the afternoon we met with Judge Stacey, and were able to work out an agreement that any wages which resulted from the negotiations which would appear before the Board would be retroactive to the date of May 1st; and in return the Union agreed that during the time that the Board had this case before them, and for three days thereafter, there would be no strike in the plant of North American.

Q. Was that communicated to the union out here?

A. It was.

Q. And who agreed to that?

A. That was agreed to by the three members of the Negotiating Committee who were sent to Washington by this union.

Q. Do you know the names of those?

A. Yes,—that was Mr. Wutanen—something of that sort.

(Testimony of Richard T. Frankenstein.)

Q. Walter S.?

A. Walter Wutanen; and Elmer Freitag, and Mr. Dave [7437] Simpson.

Those were the three, along with Lew Michener, Regional Director of the United Auto Workers, and myself, and Mr. Walter Smethurst, representing my office.

Q. Who represented the company?

A. For the company there was the President, Mr.—

Q. (Interposing) Mr. Kindelberger?

A. Yes, Mr. Kindelberger; and the Vice President of the company, whose name I don't know.

Q. Atwood?

A. Atwood is correct. And Mr. Neary, the Attorney for the company.

Q. McNary? A. No—Neary.

Q. Do you know the date this agreement was reached—do you have a copy of it?

A. Yes, I have. I have the original copy here.

Q. Mr. Frankenstein, will you compare it with what appears on Government's Exhibit No. 293 for identification and state whether it is the same, appearing on page 2 thereof, beginning with 1, 2, 3, 4, 5?

A. (Making comparison). That is correct; it is the same agreement.

Q. Now, among other things it was agreed that there was to be no strike? [7438]

A. That is correct.

Q. Until after what?

(Testimony of Richard T. Frankenstein.)

A. Until the Mediation Board had made its findings and then not until three days had expired if it was unacceptable.

Q. Had the Mediation Board made any finding?

A. Not yet.

Q. Have they yet made any?

A. They have not.

Q. And that was communicated to the officials out here, you say? A. That is correct.

Q. Now, do you know when the strike was called, Mr. Frankenstein?

A. Yes. It was called Thursday.

Q. Of last week?

A. Of last week. I believe it was June—

Q. (Interposing) Was that in accordance with the agreement? A. It was not.

Q. Was it in violation of the agreement?

A. It was in violation of the agreement.

Q. And do you know who called the strike?

A. The strike was called by the nine-man committee, Negotiating Committee, the three from Washington and the six who were left in Los Angeles. [7439]

Q. You named the three in Washington. Can you name the six out here?

A. Well, I would have difficulty in naming all them. There was Mr. Smith—

Q. (Interposing) Do you know his first name?

A. No, I don't. Have you anything that I might identify the names from?

(Testimony of Richard T. Frankenstein.)

Q. Just a minute. Was it Irvin J. Smith?

A. Correct.

Q. Elmer Freitag, was he another one?

A. Correct.

Q. William Goodman? A. Right.

Q. James Backman? A. Correct.

Q. Robert W. Mallory? A. Right.

Q. Walter Hathcock? A. Correct.

Q. William J. Pupos? A. Right.

Q. David Simpson? A. Right.

Q. And Walter Wutanen?

A. Correct. [7440]

Q. Now, what was the position of the International that you represent in connection with the strike?

A. I knew nothing of any plans for the strike except I did know there was a lot of tenseness in the air. I knew that the workers felt very keenly about their demands, and that there was much tenseness around the entire picture. But I knew nothing of any plan for a strike until one o'clock in the morning—that was one o'clock Detroit time—of the morning that the strike was to be called.

At that time I got on long distance phone, and spoke for 45 minutes to the Committee in Los Angeles urging them to withhold any action.

I spoke to Washington. I talked to President Murray, of my organization, and President Thomas, of the Auto Workers. I acquainted them with the situation and told them that I was unable to prevail, over long distance wire, with the Committee to

(Testimony of Richard T. Frankenstein.)

avoid calling the strike. I urged them, I threatened them, I practically begged them not to do it until we had a chance to exhaust the machinery that was set up before them.

I might say, if I may, that I also acquainted them with the fact that I thought that their demands were absolutely justified and that their demands could be met through the processes of collective bargaining with the Mediation Board.

I told them if they would stand solidly on their position that I thought we would come out all right and not be stampeded into wildcat action. But that was to no avail. [7441]

Q. What effect, Mr. Frankenstein, did the calling of the strike, and the strike have on the plant?

A. Well, the strike was 100 per cent effective in stopping production in the plant.

Q. Now, it resulted, did it not, in a complete shutdown of the plant? A. It did.

Q. And it was known that the plant had \$200,000,000 in contracts for airplanes and other defense material? A. That is correct.

Q. And that is one of the reasons, is it not, that Mr. Murray, Mr. Hillman, and others in the National Defense Board, were opposed to the strike?

A. That is correct.

Q. What were they making in the plant there, Mr. Frankenstein?

A. Bombers and training planes.

Q. For the United States Army?

A. Correct.

(Testimony of Richard T. Frankenstein.)

Q. And also for Great Britain?

A. Also for Great Britain.

Q. What did the—the strike resulted, as you said before, in a complete shut-down?

Presiding Inspector: An absolute shutdown; 100 per cent effective. You can't get it any stronger than that. [7442]

By Mr. Del Guercio:

Q. How many planes a day are turned out of that plant a day?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I think we have gone far enough into the question, however, the question of whether Mr. Bridges knew anything about it is still open.

By Mr. Del Guercio:

Q. Now, Mr. Frankenstein, who, if you know, brought about this strike in the North American plant?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: If he knows.

A. Who brought it about?

By Mr. Del Guercio:

Q. Yes.

A. Well, I think a very bad management, who stalled was greatly responsible for creating the sentiment that became very difficult to control. But for the actual calling of the strike the Committee of Nine were responsible.

Q. What did you do when the strike was called?

(Testimony of Richard T. Frankenstein.)

A. I immediately made plans to fly out to the west coast.

Q. For what purpose?

A. For the purpose of getting the plant to,—in operation by Monday morning. [7443]

Q. When did you arrive?

A. I arrived in Los Angeles on Friday night.

Q. On Friday night? A. Yes.

Q. Did you take any action Friday night?

A. On Friday night I called a meeting—I believe I arrived on Friday morning. Let me get this right. Yes, I arrived on Friday morning. I left Detroit Thursday evening on the first plane that was available for me to go out on.

I arrived on Friday morning, at which time I immediately called a meeting of all of the International Representatives who were working on my staff. I told the staff just exactly what I knew of the situation; I told them that I had been acquainted with certain facts that involved the seriousness of this situation; I told them that it was my understanding that the sentiment in Washington was such that it might bring repressive labor legislation against, not only this group, but the entire working class of people in the plants of this country; I told them that it was my position that this strike must be ended and ended at once; I told them I had information which made it very clear to me that just what did happen would happen, that the troops would be called into this picture; I told them that we had a union there of 600 people up until the

(Testimony of Richard T. Frankenstein.)

time of my arrival on the west coast when 6000 people came into the union during a three-weeks' period. I told them, in the first place that there was no justification [7444] for the strike, no justification of not exhausting the machinery we had at least until such time as we found out whether we had a chance to receive equity and justice before the Board, which I felt had been fair in their previous cases, such as the Mine Workers, Steel Workers, General Motors Workers, where decisions were rendered which were favorable to and equitable to the people involved.

I pointed that out to them and told them it was my position, the position of Mr. Philip Murray, President of my organization, that we should do everything within our power to see that that plant was put back to work on Monday morning.

I asked them to arrange a meeting, two meetings, rather, one for the following day with the members of the local negotiating committee and the chief stewards, and the Strike Committee leaders and all of the key people of the local union. I arranged that in my hotel.

I asked them if they would see to it that these people were there.

I asked them if they agreed with my position, and at that time all of them went down the line with my position completely. That includes the five men that I have since found it necessary to discharge from the payroll of my organization.

At that time they agreed to call this meeting, and to go out and arrange a mass meeting for Sunday at

(Testimony of Richard T. Frankenstein.)

this field, [7445] known as the bean field, across from the North American plant.

On Saturday I had this meeting with the Committee of Nine, and this Committee was supplemented by certain other leaders from the Local Union. But they refused to come to the hotel and said they would not meet me there; that they would meet me in their own office.

I told them I wasn't very technical, or very proud, and I would go any place they wanted to meet; that it was perfectly all right with me.

I met with that Committee at their office, and I told them much of what I am saying here, and I think much stronger because I was speaking to my own people.

I thought I had a very good response from them. It seemed to me they were quite susceptible, until I called upon the Regional Director of my own organization who got up and took an opposite position.

Q. Who was that?

A. Lew Michener—despite the fact that he had been notified by the President of my organization, by Mr. Thomas, the President of his organization, that the position I was expressing was the official position of my organization, he took an opposition stand and stated that he disagreed and would not ask these people to return to work; after which Mr. Wyndham Mortimer, who was working for me as an organizer [7446] out here, also got up and took an opposition position.

(Testimony of Richard T. Frankenstein.)

I then announced to the press that I was going over the head of the Committee. By that time, I might say, that the Committee joined in with these people who, after all, had had much more opportunity of working with these people and getting their confidence than I had had. They disagreed with my position.

I announced to the press that the meeting would be held on Sunday, at which time I would present the entire case to the workers themselves at the North American plant.

Q. This was all on Saturday?

A. On Saturday.

Q. Now, isn't it a fact that on Saturday the President had declared that if the strikers did not open up the plant on Monday the War Department would take over and operate the plant?

A. Well, I am not positive as to my dates. I have lived a month in the last five days.

Presiding Inspector: Haven't you covered this now?

Mr. Del Guercio: Just about.

Presiding Inspector: You have gone seven minutes over the time that you estimated. I don't want to hold you to it.

By Mr. Del Guercio:

Q. Did you also make a broadcast on Saturday night? [7447]

A. I did.

Q. And did you, in that broadcast, declare the strike was a result of the vicious underhanded maneuvering of the Communist Party?

(Testimony of Richard T. Frankenstein.)

A. I did.

Q. Upon what information was that based, Mr. Frankenstein.

A. It was based on the functionaries who were hanging around the office; based on the people who were writing the leaflets; it was based on information which came to me, and which I do not feel that I ought to go into at this time because I don't think it would help anything.

Q. Did you also state you were taking that opportunity to serve notice on the Communists that they must keep their hands off the policy and affairs of the Aircraft Division of the CIO?

A. I did.

Q. On the West Coast? A. I did.

Q. And didn't you also state that that went for any other groups which may have an interest in influencing the affairs of your organization?

A. I did.

Q. And you meant that, did you not?

A. I did, and I do. [7448]

Q. And did you also declare that the strike was contrary to CIO policy? A. I did.

Q. That they would lose their CIO charter?

A. I did.

Q. And of the UAW? A. That is right.

Q. And didn't you also say that you were speaking with the full support of Mr. Murray and Mr. Thomas? A. I did.

Q. When was this?

(Testimony of Richard T. Frankenstein.)

Presiding Inspector: He said it was Sunday night.

The Witness: That was Saturday night, the broadcast.

By Mr. Del Guercio:

Q. When, on Saturday night?

A. Saturday night at seven o'clock, I believe, Los Angeles time; 7:00 or 7:30, I am not sure.

Q. Now, you say there was a mass meeting on Sunday? A. Correct.

Q. June 8th? A. Correct.

Q. What took place at that mass meeting?

A. Well, the mass meeting was called for three o'clock Sunday afternoon. There was a very fine turn-out.

Upon my arrival they started the meeting by putting on [7449] seven of the nine-man Committee ahead of me, who proceeded to harangue and point out the fact that I was trying to break their strike and lead them back to work, and break the morale of their workers, and sell them down the river. All seven of them took that approach.

I listened very patiently until it came my time to talk. When I attempted to speak, as soon as I was called to speak, a very well-planned demonstration was put on by hecklers, who were planted for that purpose. They had placards drawn with caricatures, which were not too complimentary to myself. These placards were waved at the same time, calling me a lot of things which I have never had to be

(Testimony of Richard T. Frankenstein.)

called before in a meeting. Every time I attempted to speak I was howled off the mike until, finally, I had to give up.

I got over several remarks, one of which was that I urged all of these people to return to their jobs on Monday morning, and that I would again go on the air and make clear my point inasmuch as they didn't have the decency to permit me to make it there.

I also stated that it was my opinion that 70 per cent of the people in attendance at that meeting; if given an opportunity to hear a fair presentation of the case and a democratic right to vote their sentiment, would vote to immediately follow the instructions of their organization and their leadership which, in my opinion, I think is substantiated by the record, has been an honest leadership and a leadership that has brought many millions of dollars worth of gains to the people who have supported that leadership.

Q. You also read a telegram from Philip Murray?

A. I did—I did not. I read a telegram from Mr. R. J. Thomas, President of the Auto Workers, which advised these people that their action was in contradiction to the policy of the organization; that it was a wildcat strike, and urging them to comply with my request and get back on the job.

I attempted to read a telegram from Philip Murray, but by that time it became impossible for me to proceed any further.

(Testimony of Richard T. Frankenstein.)

Q. Was Murray against the strike?

A. Murray was definitely against the strike, advising the people that it was contrary to the constitution, and urging them to support their leadership in going back to work.

Q. What did you do after that?

A. I left there and proceeded back to my hotel, after which I arranged a broadcast on the air that evening advising the workers to return to their jobs the following morning; that they were not strike-breaking, that there was no strike called; that they had not been given an opportunity of voting as to whether they wanted to return, and advising them [7451] I would not permit a minority of hecklers to thwart their legitimate interests by keeping them out on the street against their government, their union, and everything else, without an opportunity of voting. I advised them to go back in the plant.

After that I suspended the five International representatives who had refused to follow the policy of their organization, suspended the Committee, and appointed an Administrator to take over the local union.

Q. Who did you suspend?

A. I suspended Wyndham Mortimer—I fired Wyndham Mortimer and——

Q. (Interposing) Do you know whether he is a member of the Communist Party?

A. I don't know that.

I might say this, so there is no confusion on this point: I didn't fire any of these five people on the

(Testimony of Richard T. Frankenstein.)

basis of any of their politics. I fired them on the basis that they refused to follow the policy of their organization, and on the basis that they had refused to accept orders from their superiors, and refused to carry out their assignments.

Q. But you were convinced that Communists were behind the calling of the strike?

A. That is correct.

Q. Who were the others?

A. Stan Douglas. [7452]

I want to say clearly all of these people are definitely not Communists.

Another was Stan Douglas—I wonder if I could get a little help on some of these—Arthur Kearns, John Orr, Sr., and John Orr, Jr.

Q. Irvin J. Smith? ○

A. The nine men that I have identified as members of the Committee I suspended from office in the local union.

Presiding Inspector: It is perfectly clear to me that if there is any cross examination at all it will take all day tomorrow.

Mr. Gladstein: I still don't see, your Honor, the point or the materiality of this.

Presiding Inspector: It has to be brought home to Bridges in some way.

The Witness: May I interject a point here?

Presiding Inspector: Yes.

The Witness: It is very urgent that I get back to Los Angeles. I think it is very dangerous for me to remain longer than tonight.

(Testimony of Richard T. Frankenstein.)

Presiding Inspector: They said that.

Mr. Gladstein: We would like to accommodate the witness and suggest that the hearing continue until the Government brings out whatever point it thinks is material in this case. [7453] It may be they will complete their examination and that there may not be any cross examination of any kind.

Presiding Inspector: We will go ahead for a few minutes longer.

I don't think they will get through with you, Mr. Frankenstein.

The Witness: I certainly hope so.

By Mr. Del Guercio:

Q. Did you suspend Irvin J. Smith?

A. I did.

Q. Do you know whether he is a Communist or not?

A. I do not.

Q. Don't you know he registered as a Communist?

A. I do not know that.

Presiding Inspector: He said he didn't.

By Mr. Del Guercio:

Q. Did you suspend Elmer J. Freitag?

A. I did.

Q. Do you know whether he is a Communist?

A. I don't.

Presiding Inspector: What difference does it make? Are you going to connect Mr. Bridges with all this?

Mr. Del Guercio: Yes; we are going to show Bridges' connection was in support of this strike.

(Testimony of Richard T. Frankenstein.)

Presiding Inspector: You are going to connect him with [7454] all of these things?

Mr. Del Guercio: Yes.

Mr. Gladstein: Why doesn't counsel ask Mr. Frankenstein direct questions as to what connection, if any, Mr. Bridges has with all this?

Presiding Inspector: Mr. Del Guercio is entitled to do it in his own way. Go ahead.

Mr. Del Guercio: You may cross examine.

Mr. Gladstein: I don't think we have any questions at all.

Presiding Inspector: You are excused, Mr. Frankenstein. You may go.

The Witness: I would like——

Presiding Inspector: We will recess until tomorrow morning.

The Witness: May I make a statement?

Presiding Inspector: What is it?

The Witness: I want to make a statement regarding my appearance here.

A lot has been said as to why I——

Presiding Inspector: You are here under subpoena.

Mr. Del Guercio: He was subpoenaed by the Government.

Mr. Grossman: I believe he is entitled to make a statement.

Presiding Inspector: Very well. [7455]

The Witness: I would like to say that I was summoned here under a subpoena served on me in the City of Los Angeles by the Federal——

(Testimony of Richard T. Frankenstein.)

Mr. Del Guercio: Be seated.

The Witness: Surely.

I should like to make this statement: That it is my considered judgment that some of the patterns set in this hearing are ominous ones for the future——

Mr. Del Guercio: (Interposing) We object to the statement being made.

The Witness: (Continuing)——of legal action in the United States.

After one exhaustive trial in which Mr. Bridges was completely cleared of charges against him, there is a hollow——

Mr. Del Guercio: (Interposing) I object to this.

Presiding Inspector: We will take it in the record. You have called the witness and I think you have gone far afield. I will take the statement. It doesn't make it facts. Let us hear what he has to say.

The Witness: I would like to go back and repeat the last paragraph.

After one exhaustive trial in which Mr. Bridges was completely cleared of the charges against him, there is a hollow mockery in this hearing and a double jeopardy which cannot but prejudice American workingmen against their [7456] government. They resent obvious unfairness and discriminatory practice whether it is practiced by the manufacturers for whom they work, or the government which they respect.

(Testimony of Richard T. Frankenstein.)

Attacks such as this one, aimed at a militant leader of labor who has made outstanding gains for the members of his union, and who has genuinely represented the interests of the American workers, exhaust the patience of citizens and causes them to seriously question the purpose of legitimate functions of government which may be exercised in the future.

Mr. Del Guercio: I ask that that be stricken from the record.

Presiding inspector: I will take that into consideration when the other motion to strike comes up.

Mr. Gladstein: That is all.

Presiding Inspector: We will adjourn now.

(Whereupon, at 5:15 o'clock p.m. an adjournment was taken until Thursday, June 12, 1941, at 10:00 a. m.) [7457]

Court Room 276,
Federal Building,
San Francisco, California,
June 12, 1941

Met, pursuant to adjournment, at 10:00 A.M.

[7458]

PROCEEDINGS.

Presiding Inspector: You may proceed, Mr. Del Guercio. You want to continue with Mr. Bridges?

Mr. Del Guercio: If the Court please. I move

that the unasked for statement of Mr. Frankenstein, after the direct examination and cross examination had been completed, be stricken from the record. It is not testimony in any sense of the word.

Presiding Inspector: It was not testimony. There is no objection?

Mr. Gladstein: We oppose the striking of that statement.

Presiding Inspector: Why?

Mr. Gladstein: For the reason that here is a witness called by the Government, and although we chose not to direct any questions to him on cross examination, he had a statement to make, which was more nearly related to the issues in this case than anything that was sought from him on direct examination by the Government. He had an opinion to express with respect to the hearing and the calling of the hearing.

Presiding Inspector: He expressed his opinion as to this entire proceeding and it is a criticism of the Congress of the United States and of the Attorney General acting thereunder. It has nothing to do with the evidence in this case.

Mr. Gladstein: I would like to be heard on this, your [7459] Honor.

You will recall that during the testimony of Mr. Curran we sought to elicit from him what the position of the Congress of Industrial Organizations was with respect to the hearing, the second hearing in this case. Your Honor permitted that.

Presiding Inspector: Only in relation to his bias.

Mr. Gladstein: But your Honor permitted it.

Presiding Inspector: That was in relation to the bias of the witness.

Mr. Gladstein: If your Honor regards it as material or admissible on that issue then your Honor may entertain this statement on the same basis.

Presiding Inspector: You mean it strengthens the Government's case?

Mr. Gladstein: I—

Presiding Inspector: Is that what you mean?

Mr. Gladstein: I don't mean that.

Presiding Inspector: That is the only conclusion that could be drawn from your argument.

Mr. Gladstein: If your Honor thinks that is the basis of the admissibility, you are free to draw that inference, but we think the point is arguable. We don't think it establishes bias, but if that is the reason for which you allowed the other expression of opinion to be admitted we think this [7460] -like-wise should be permitted.

We think it comes queerly from the Government to put on a witness, build him up as the personal emissary of Mr. Philip Murray, head of the CIO, and obtain from him the facts concerning a strike, and which was charged yesterday, and we still feel is true, which indicates that the Government in a desperate last effort made an attempt to place the blame for what it considered an unjustified strike, on Mr. Bridges shoulders.

Presiding Inspector: That isn't a matter that is before this tribunal.

Mr. Gladstein: Neither was all his testimony.

Presiding Inspector: If Mr. Bridges was acting in conflict with the leaders of the CIO an inference might be drawn from that that he was not a loyal labor man, and that is the only basis that I can see for all this testimony.

Mr. Gladstein: Is it not true that not one word was mentioned in all the testimony of Mr. Frankenstein, nor was one question asked him that in any way requested information concerning Mr. Bridges, or to connect him in any way with that strike mentioned by Mr. Frankenstein?

Presiding Inspector: You are quite right.

Mr. Gladstein: I say if the matter is immaterial at all then it seems to me that it is the position of the Government, if it wishes to have anything stricken from the [7461] record, it is the position of the Government, and its duty, to say frankly, "We have made a mistake. We thought there was material here that would be pertinent to the issues of the case, but we now see it is not and we ask that all of the testimony be stricken."

I think that should be the position of the Government if it moves to strike anything. [7462]

Presiding Inspector: Well, the time has not come for that—

Mr. Gladstein (Interposing): But he is now making a motion to strike portions of the testimony.

Presiding Inspector: Yes, because it is entirely irrelevant to this case.

Mr. Grossman: Your Honor, may I make a statement that I think is important?

Presiding Inspector: Yes, I will hear you both, then Mrs. King, if she wants to.

Mr. Grossman: As I understand this case, rules of evidence—as I understand the law, rules of evidence apply both ways. In other words, a yes answer is really a no answer and a no answer is really a yes answer. If necessary, I can take the time of this Court to go through the transcript and find time and time again references in answer to questions on the part of the Government of their witnesses: Why are you testifying? Why do you think this should be done with Bridges? And the answer in every case is: I think Harry Bridges is a Communist; I think what he does is bad for the labor movement; that is the reason I am here. I am not anti-labor; I am here because I think Harry Bridges is a Communist and that is bad for the labor movement. That is one side of it.

Presiding Inspector: Wait a moment. Didn't those [7463] answers come in reply to your questions?

Mr. Grossman: No, they did not.

Mr. Del Guercio: On the contrary; they emanated from the Defense.

Mr. Gladstein: I can show from the transcript that Mr. Del Guercio asked these people while they were testifying: Do you think you are a good trade unionist? Do you think Bridges is good for trade unionism, and so on. I can find those. That is one side of it. Now, we have, too, in answer to the Government's questions, not ours, or rather, in response to questions of the Government witnesses, not ours.

we have the opposite of that, the direct opposite of that, the testimony of this witness that Harry Bridges stands for the contrary of that, stands for what is good in trade unionism. Then, that is considered irrelevant. I say it is the direct evidence and I can show in the transcript the direct opposite of the testimony of the Government witness.

Presiding Inspector: Well—

Mr. Gladstein (Interposing): Could I have one more thing?

Presiding Inspector: You want to allow this to stand?

Mr. Grossman: Yes, sir.

Mr. Gladstein: Yes, sir.

Presiding Inspector: That means you want all the testimony he has given to stand? [7464]

Mr. Gladstein: Let it all stand.

Presiding Inspector: I said I would consider it together.

Mr. Gladstein: You pointed out when Mr. Del Guercio moved to strike the last remarks of Mr. Frankensteen—you pointed out that the Government had called the witness and that you thought the Government had gone far afield and you would allow the statement to be made. Now, I realize that statement on your part was made before the witness had completed his statement.

Presiding Inspector: Of course, I thought he was going to make a pertinent statement.

Mr. Gladstein: I certainly think that part of it is.

Presiding Inspector: Maybe.

Mr. Gladstein: If your Honor please, I call your attention to this portion of Mr. Frankenstein's statement: "Attacks such as this one, aimed at a militant leader of labor who has made outstanding gains for the members of his union, and who has genuinely represented the interests of the American workers—" and then he proceeded.

Now, there is a statement by a Government witness on an issue which definitely is pertinent in this case. Here is a witness who, pursuant to Government subpoena, showed himself as being opposed to Communists and Communism and against what he considered was the Communistic influence in a strike. [7465] —

He was brought here, invited here and ordered here by the Government to establish that, and then, in effect, on cross examination, although he was not asked this, he expresses the kind of opinion evidence with respect to Mr. Bridges which already has been allowed in this case, your Honor. Therefore, on that theory his statement should not be stricken.

Presiding Inspector: He only says that incidentally.

Mr. Gladstein: Well, he says—of course, the entire statement is very short. It only consists of four or five sentences. That is one of the—

Presiding Inspector: (Interposing) Well, I am surprised at your argument, Mr. Gladstein: I am surprised at your argument.

Mr. Gladstein: Well, we were surprised at the testimony.

Presiding Inspector: So was I.

Mr. Gladstein: Well, of course, if none of the testimony has any relevancy in the case, and very frankly from a legal point of view I think it doesn't—that was the position that we took yesterday—but I say this: Rather than have the Government go about it piecemeal and ask to strike out that which most glaringly is opposed to them, why don't they be fair and—

Presiding Inspector (Interposing): I don't think anything is opposed to them.

Mr. Gladstein: Well, I think the statement is.
[7466]

Presiding Inspector: I think it is more in favor of the witness. It shows the attitude which he takes when he testifies.

Mr. Gladstein: Well, all right. Then, I can't see why the Government would move to strike it. We may disagree.

Presiding Inspector: Well, I am giving you my view, not the Government.

Mr. Gladstein: I understand. We may all disagree as to what the appropriate inference is that should be drawn from that testimony, but we have our views on it, and we think first that none of that evidence was material and we moved to strike it yesterday but that motion was not granted, and we made our objections. Second, that if any part of it is to remain in the record it should all remain in the record. Third, if the Government wants to strike out any portion it should be fair and ask that it all be stricken out. That is our position.

Presiding Inspector: Well, the Court, or the Ex-

aminer, Inspector, whatever he may be, won't pass on this at this time.

Mr. Gladstein: All right, your Honor.

Presiding Inspector: Proceed with your examination, Mr. Del Guercio.

HARRY RENTON BRIDGES

called as a witness in surrebuttal in his own behalf, having been previously duly sworn; testified as follows:

Further Cross Examination [7467]

By Mr. Del Guercio:

Q. Now, you stated here yesterday that you were in sympathy with the North American strike and that you would support the strike?

Mr. Gladstein: I object to that as a misstatement of the evidence. He has said he was in sympathy with the striker's demands.

Mr. Del Guercio: If the Court please—

Presiding Inspector (Interposing): I am not quite sure about that.

Mr. Del Guercio: If the Court please, the record shows that he said—

Mr. Gladstein (Interposing): What page, please?

Moreover, if your Honor will recall, there was a great deal of testimony as to whether Mr. Bridges supported the strike in advance or advocated it. The testimony is clear. He had nothing to do with the calling of the strike. His opinion was one that became material, if at all, after the strike had already been called and his testimony is repeatedly

(Testimony of Harry Renton Bridges.)

—I have gone over the transcript this morning—that he was in sympathy with and in support of their demands.

—And I call your Honor's attention to Mr. Frankenstein's testimony who said that he and Mr. Murray both felt that the demands of that union were justified.

Presiding Inspector: We are not trying the strike. [7468]

Mr. Gladstein: Well, the Government put this entire thing into issue.

Presiding Inspector: Only as bearing—the only pertinence here is its bearing on the conduct of Mr. Bridges after he had knowledge of this condition, what he did.

Mr. Gladstein: Well, your Honor, the Government produced Mr. Frankenstein and didn't ask him one question concerning Mr. Bridges. What is the theory of the Government on this issue? Is it that Mr. Bridges because of his position as California CIO Director had the duty or the power to intercede in that affair, to prevent it, or after it began, to stop it, or attempt to stop it?

Presiding Inspector: Not to encourage it?

Mr. Gladstein: They haven't shown anything of any kind, nor did they ask anything of Mr. Frankenstein.

Presiding Inspector: They have shown, I think it was on Sunday, he sent a message. That was after the strike had been called. He sent a message of congratulation and best wishes.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: No; of greetings and best wishes and at the same time advised them to call the strike off.

Presiding Inspector: That may be.

Mr. Gladstein: That is the testimony, your Honor.

Presiding Inspector: It may be.

Mr. Del Guercio: That is not so, your Honor. We will [7469] prove and we will establish—

Presiding Inspector (Interposing): Well, go on and we will hear your examination. I don't know whether that question is correct.

By Mr. Del Guercio:

Q. Now, did you mean—

Presiding Inspector (Interposing): We will have to look up the transcript.

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. Now, did you mean by sending your best wishes to Mr. Connelley and the strikers on Sunday, after the strike had been called and before the Army came in, that you would support the strike even before the National Defense Mediation Board had acted?

Mr. Gladstein: I object to that as being been asked and answered not once but several times yesterday and a great explanation was made as to what this kind of telegram in trade union circles means.

Presiding Inspector: Yes, sir.

Mr. Gladstein: When you send fraternal greet-

(Testimony of Harry Renton Bridges.)

ings and best wishes.

Presiding Inspector: Yes, I think that is so, but I will let you sum it up in this one question.

A. No, that was not my position. I took no position [7470] on the strike at all. I had no detailed report. I was trying to find out what was actually taking place.

By Mr. Del Guercio:

Q. Well, as a matter of fact, you were in telephonic conversation with Mr. Connelly, were you not? A. Sure.

Q. During the strike?

A. Sunday morning.

Q. Yes, you knew what it was all about?

A. What was all about?

Q. What the strike was all about and what they were doing?—

A. I knew what the strike was all about and I knew what was happening.

Q. Yes, and you knew and you were aware of the fact that Connelly told the strikers at this mass meeting in that field near the North American Plant on Sunday afternoon that you supported the strike and the strikers had your support?

Mr. Gladstein: Now, just one moment. I think that question is ambiguous. Obviously, Mr. Bridges—unless the Government claims he was in Los Angeles at the time this took place, and I am sure that they make no such claim—

Presiding Inspector (Interposing): No.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein (Continuing): ———couldn't know what was taking place in Los Angeles on that day.

[7471]

Now, does the question refer to knowledge obtained after the event or to knowledge before the event or to authorization of the event, or to something that took place at the time of the event?

Presiding Inspector: You knew at the time? The question is as to your knowledge at the time that you sent the message.

The Witness: No. I called Connelly Sunday morning and we had a long discussion over the phone and I told Connelly that the troops were going to be in that plant, and I said "It looks bad and I don't think you can handle it", and advised him to tell the workers the circumstances, tell them that we thought that their strike was justified in so far as the demands were concerned but they were up against too much and he should advise them in the meeting that afternoon to go back to work.

By Mr. Del Guercio:

Q. Then, you did tell them that the strike was justified, didn't you?

Mr. Gladstein: I submit that has been answered.

Presiding Inspector: You can't make it any clearer, Mr. Del Guercio, than the answer does.

By Mr. Del Guercio:

Q. Now, have you ever repudiated what Connelly said to those strikers on Sunday?

Mr. Gladstein: Just a moment.

(Testimony of Harry Reniton Bridges.)

A. I have——

Mr. Gladstein (Interposing): Just a moment.
Mr. [7472] Bridges.

It assumes something not in evidence. There is no evidence as to what Connelly said to those strikers.

Presiding Inspector: I don't know what Connelly said to the strikers.

Mr. Del Guercio: Well, I just asked him whether Connelly told the strikers on Monday, on Sunday afternoon, that Bridges supported the strike and that the strikers had his support and best wishes.

Presiding Inspector: I don't think there is any proof of that.

Mr. Grossman: Mr. Del Guercio isn't testifying now.

Mr. Del Guercio: I am asking the witness if he does not know that.

Presiding Inspector: Let's find out what he knows. There is no proof on the question.

By Mr. Del Guercio:

Q. Didn't you know that Connelly had so stated to the strikers there on Sunday?

A. I didn't; I don't know yet.

Q. Didn't you read the newspaper accounts of what Connelly said?

A. That is the whole trouble; that is the whole trouble. You go too much by the newspapers. I have got the telegrams of Connelly in answer to

(Testimony of Harry Renton Bridges.)

me contradicting those newspaper accounts and notifying me that the story in the newspapers [7473] is incorrect, that he made no such statement.

Q. How many telephone conversations did you have with Connelly on Sunday?

A. Two or three.

Q. Was it before or after he had addressed the strikers? A. Only one before.

Q. How many after?

A. I think a couple.

Q. What did you tell him before the address?

Mr. Gladstein: I object to that as not having already been asked and answered once, but it has been gone into three times.

Presiding Inspector: This will be four. Go ahead.

A. I can give you the entire conversation that took place Sunday morning.

By Mr. Del Guercio:

Q. Give us that conversation.

A. I had spoken to Lou Goldblatt. We talked the matter over for two hours Saturday night, and we tried to get Connelly Saturday night; not only Connelly, but Frankenstein and any of the other leaders down there. I tried up to 11:30 in my office before I went home.

So I had two or three long distance calls pending Sunday morning.

I talked with Goldblatt again Sunday morning and we [7474] reached a decision Saturday night that the strike should be called off.

(Testimony of Harry Renton Bridges.)

Sunday morning I called Connelly and asked him for a complete report on the whole matter, what the Committee had done back in Washington, what they had reported back to the local union, what, if any, commitments had been made, and what the whole thing looked like.

Connelly was enthusiastic. He said, "Well, I have never seen anything like it. There is eight thousand or nine thousand young people down here, all young people, and you will have to be a second generation of America to work in the aircraft plants. They are mostly southwesterners, people from Missouri, Arkansas, Oklahoma and Texas. They are plenty tough and they were pretty wild and determined to get that 75 cents an hour." They had been under terrific pressure down there on this \$19.60 a week, for many reasons, and it was all they could see. I even knew that. He didn't have to tell me that.

Connelly said, "Well, yesterday my wife and I, and my daughter, spent all day with the strikers, their wives and children, talking to them, feeling out the sentiment, seeing what they stood for, and how they felt."

He said, "It seems to me it is 100 per cent." He said, "To try and chase those people back to work is dynamite." He says, "Gosh, they will lynch me." [7475]

We talked about the strike, going back to the time that the Committee was in Washington with the Mediation Board. I got the whole history of that up to date.

(Testimony of Harry Renton Bridges.)

It finally wound up by me telling Connelly, I said, "I am in this position: You are down there. I haven't been there lately. I have only the reports. You are on the job. You know what the feeling is. You know what the people think. You are much closer to the situation. So I guess your judgment might be a little better than mine, but I haven't changed my mind yet. I still think it is too hot, and you ought to advise the workers to go back to work."

Q. You didn't—

A. (Interposing): Just a moment.

Then I said, "I am going to call Michener, or Frankenstein."

Connelly says, "I don't know," he says, "If you call Michener I don't know what good it will do. He is pretty set and he is pretty determined." He says, "You will throw him in a state of uncertainty and I don't think you will do yourself any good. He will just ignore you."

Then I asked about Frankenstein. I said, "I think I will call Frankenstein."

So he said, "Well, after yesterday afternoon's meeting—" Frankenstein had gone to the meeting the day before and it had been a very turbulent meeting, and he had gone on the air the night before and criticized the strikers, the leaders and so [7476] forth, and he said, "The feeling between Michener and the other local leaders and the members, is very bitter." He said, "I don't know if you will do any good by getting in touch with Frankenstein."

(Testimony of Harry Renton Bridges.)

steen. If you do why don't you notify the strikers you are doing it."

I talked about Michener or Wyndham Mortimer again.

The whole thing finally wound up by me closing my conversation with, "Well, maybe you fellows know what you are doing. But I still am of the same opinion. Anyway, I wish you luck. Say 'Hello,' to the strikers for me."

Now, that was all that was said.

Immediately then I got ahold of Goldblatt—

Q. (Interposing): Are you through with the telephone conversation you had with Connelly in the morning? That is all I asked you about.

A. Yes. I don't know if I had another one with him. I was thinking—I got hold of Goldblatt—

Q. (Interposing): Are we through with the telephone conversation with Connelly?

A. Yes.

Q. Let me ask you this: Then you knew Sunday morning what agreement had been reached before the National Mediation Board in Washington, D. C., didn't you?

A. No. Connelly told me, and Goldblatt told me that there had been no agreement reached.

[7477]

Q. No agreement reached? A. Yes.

Q. Isn't this what actually happened: You had received orders from the Communist Party to support this strike; and when you realized the asinine

(Testimony of Harry Renton Bridges.)

mistake you had made you tried to retract, but it was too late, isn't that what actually happened?

A. You are just a fool.

Q. You are the fool.

A. Do you want me to explain about the aircraft situation?

Presiding Inspector: Just a moment. We must keep order in this proceeding.

Ask the next question.

Mr. Gladstein: Certain answers seem to be naturally called for to certain questions.

Presiding Inspector: No discussion.

By Mr. Del Guercio:

Q. You were aware that the President and the Congress of the United States had established this National Defense Mediation Board?

A. I am well aware of it.

Q. And you were aware that the Union down there, and the representatives of the Company, Company officials, had put this dispute before the National Defense Mediation Board? [7478]

A. I am aware of much more than that. I think I had ought to be allowed to explain what led up to that.

Q. And you—

A. (Interposing) I am aware of this much—

Presiding Inspector: You will have an opportunity.

The Witness: All right.

By Mr. Del Guercio:

Q. And you professed, did you not, that you

(Testimony of Harry Renton Bridges.)

would only resort to a strike only after mediation and negotiations had failed?

Mr. Gladstein: That is a misstatement of the evidence. The witness' testimony to that is—

Presiding Inspector: I don't think he is quoting the evidence. He is asking him independently.

Mr. Gladstein: We are now going into the question—if Mr. Del Guercio wants to open this up in detail—as to whether it is possible for a labor leader to say, "I am in favor of never striking until there has been mediation or until there has been arbitration"—

Presiding Inspector: That is argumentative. We will let him answer the question. It doesn't purport to be a quotation from the evidence.

Mr. Gladstein: Very well.

A. At the last meeting of the National Executive Council of the CIO, I think the action, of the vote on the [7479] proposal at that time was unanimous, and I voted for it. We discussed the entire defense situation and its relation to labor; and the Council worked out a plan that the facilities of all Government agencies would be used to the fullest extent before a strike was called. I followed that program absolutely.

By Mr. Del Guercio:

Q. But you knew on Sunday; and before you sent your best wishes to the strikers, and your support, you knew then that this strike had been branded as an outlaw strike by Philip Murray?

A. I did not.

(Testimony of Harry Renton Bridges.)

Q. You hadn't read the newspaper account of it?

A. I received no word—and I can't go by the newspapers.

Q. You heard Mr. Frankenstein testify yesterday that it had. Do you believe Mr. Frankenstein?

A. No.

Presiding Inspector: That isn't proper.

Mr. Gladstein: That is argumentative and improper.

By Mr. Del Guercio:

Q. You knew, did you not, that this strike was a Communist inspired strike?

Presiding Inspector: Do you know that?

A. I don't, no—I am sure it was not. [7480]

By Mr. Del Guercio:

Q. You heard Mr. Frankenstein testify on the stand that it was a Communist inspired strike?

Mr. Gladstein: I object to that as improper and I think counsel should be cautioned that that is not the proper method of questioning the witness: whether he heard somebody, and whether he believes him or not. As your Honor has ruled a dozen times, that is not proper questioning.

Presiding Inspector: No.

Mr. Del Guercio: This witness here is a CIO official. He is the State CIO Director.

Presiding Inspector: Yes.

Mr. Del Guercio: Here is Mr. Frankenstein, who is also a higher official than this witness in the CIO ranks, who appears on the stand here and tes-

(Testimony of Harry Remon Bridges.)

tifies, and states under oath that this strike at the North American plant was Communist inspired. He knew what he was talking about.

Presiding Inspector: But this man may not know. You already asked him and he said that he doesn't know. In fact, he says he knows it isn't.

Mr. Grossman: If anything—

Presiding Inspector: I have ruled in your favor.

Mr. Grossman: Did you say he could ask a question about it being Communist inspired?

Presiding Inspector: He did. [7481]

Mr. Gladstein: It was asked and answered.

Presiding Inspector: And he answered it.

By Mr. Del Guercio:

Q. Did you tell Connelly on Sunday, at any time on Sunday, that he should urge the strikers to go back to work and wait until the National Defense Mediation Board had acted? A. Yes.

Q. When was that? A. Sunday morning.

Q. Sunday morning.

A. Yes. Well, I didn't do it in this way—I didn't tell Connelly in effect, "Here is what I order you to do." I gave him my judgment. I said, "If I was handling this, this is what I would do, and advise the strikers that the circumstances"—the whole conversation turned around that point. I told Connelly that the men were 100 per cent right in their demands; that in so far as the strike was concerned, under ordinary circumstances it might be one matter; under the present circum-

(Testimony of Harry Renton Bridges.)

stances it was an entirely different thing; and in view of all the facts and the conditions it was my judgment that the people down there in charge should work to call it off.

You have got to understand I had no authority in that strike. I was never contacted, and interfered of my own volition. As a matter of fact, I exceeded my authority, [7482] and that is all you can do in these cases. I was not called into the strike by Frankenstein, or any of the local leaders, or Philip Murray. I went ahead of my own idea at that time, because I thought it had gone far enough, and I started to step in and see what I could do.

Q. Was it your own idea?

A. My own idea; no other except my own idea and that is where it came from.

Q. You sent a telegram on June 11, 1941, to Mr. Connelly, did you not, or did you send it to Lou Goldblatt to give to Mr. Connelly?

A. To the strikers.

Q. The strikers?

A. Yes. I sent a telegram down there to that Tuesday morning meeting.

Q. Did you state in that telegram in part as follows, on June 11th, after the army had taken over the plant:

"I sincerely and urgently advise the North American workers to return to work as an organized body in view of the extreme circumstances."

A. Yes.

(Testimony of Harry Renton Bridges.)

Q. Did you state that? A. Yes.

Q. Did you also state:

"There can be no question that their strike was for a [7483] just and reasonable demand."?

A. Right.

Q. Did you state that? A. Right.

Q. Did you also state:

"Expressly so when we recognize the tremendous profits being made by airplane manufacturers under Government contracts."?

Did you state that? A. I did.

Q. Did you also state:

"My recommendation to end strike takes into consideration the array of powerful forces aligned against the strikers and no body of workers, no matter how courageous and how just their fight is, can be expected to face such odds as the United States Government, its armed forces and the hysterical propaganda aimed at inciting the American people against labor's struggles."

Did you state that? A. And how I did!

Q. Did you also state:

"The striking workers should know that they have demonstrated their solidarity"——?

A. They have to.

Q. You got that in the Communist Party Manifesto, [7484] "Solidarity," didn't you?

(Laughter from spectators.)

A. (No answer.)

Q. Didn't you also state:

"* * * and fighting ability to the entire nation and that a return to work in face of the odds

(Testimony of Harry Renton Bridges.)

against them is no defeat but an organized and strategic retreat in the interests of their own membership and of all labor."

Did you state that?

A. I certainly did. I stated a little more.

Q. Why didn't—

A. (Interposing) I stated a little more.

Q. Why did you state that they should return to work only because of the odds against them?

Mr. Gládstein: I think that is a misstatement. I don't recall the telegram stating they should return only because of the odds against them.

Presiding Inspector: But he gave certain reasons.

Mr. Grossman: Mr. Del Guercio is only entitled to quote from the telegram and ask, "Did you say that?"

Presiding Inspector: I think that is argument.

Mr. Del Guercio: I think the Court can draw the inference from the telegram.

Presiding Inspector: I think the evidence is in.

By Mr. Del Guercio: [7485]

Q. You knew at that time when you sent this telegram that the North American Plant was engaged in turning out airplanes and other vital needs for the national defense, didn't you?

A. I have known that for years.

Q. Are you in sympathy with that?

A. Just what do you mean?

Q. With the turning out of airplanes and other implements of war in aid of national defense?

(Testimony of Harry Renton Bridges.)

A. That all depends.

Q. It all depends—you have a qualification, haven't you?

A. Those plants have been turning out airplanes for some years past. I know where some of them have gone. I can tell you we done something about it. You are asking me about aircraft, and outside of foreign influences, I can tell you something because I reported it to your department a couple of years ago. If you want my attitude on it I am ready to give it to you.

Q. You knew that the calling of that strike has paralyzed a vital defense industry?

Mr. Gladstein: I think that is immaterial, your Honor.

Presiding Inspector: I think that is immaterial.

The Witness: I want to get this clear.

Presiding Inspector: You are not to answer yet.

[7486]

By Mr. Del Guercio:

Q. And in spite of all that—

Mr. Grossman: (Interposing) All what?

Presiding Inspector: I excluded the question.

Mr. Del Guercio: You excluded it?

Presiding Inspector: It is all argumentative. I don't think there is any evidential value in the question.

By Mr. Del Guercio:

Q. Now, did you mean to say in this wire that you sent Connelly, through Lou Goldblatt, that if the strikers were strong enough to resist the United

(Testimony of Harry Renton Bridges.)

States Army they should continue to encourage, that Connelly should continue to encourage them in remaining out on strike—is that what you meant to say?

A. If you want an explanation of what I meant to say you will get it. I can explain the telegram, and how it was sent, and why, and in conjunction with who. That telegram was sent in conjunction with Philip Murray and Richard Frankenstein.

Q. Had you discussed this with Murray and Frankenstein?

A. Yes. They knew exactly what I was going to do.

Q. On June 11th?

A. Oh, yes, sir. I was talking with Philip Murray from 4:00 o'clock in the morning on.

Q. Had you been in contact with Mr. Frankenstein on [7487] June 11th?

A. I called him just before I sent the wire.

Q. And did you read the wire that you sent through Goldblatt to Frankenstein?

A. I told him exactly what I was going to send. I called Frankenstein twice and, in between times, I called the local leaders down there and advised them to do the same thing, and said the wire was going down in conjunction with Murray and Frankenstein, and I mentioned it in the wire. You didn't read it.

Q. This was after the army—

Mr. Gladstein: (Interposing) Do I understand that counsel has been reading only a part of the telegram and not all of it?

(Testimony of Harry Renton Bridges.)

Presiding Inspector: That is what the witness says.

Mr. Del Guercio: Unfortunately, I only have that portion of the telegram that was quoted in the People's World, a Communist newspaper.

Mr. Grossman: Do you consider it reliable?

Mr. Del Guercio: No, I do not, but your client here does, and has so stated.

Presiding Inspector: Let's not—

Mr. Grossman: (Interposing) Evidently you consider it—

Presiding Inspector: Quiet! Go on with this pro- [7488] ceeding in an orderly fashion.

Mr. Del Guercio: That remark from counsel was unnecessary.

Presiding Inspector: Go on.

By Mr. Del Guercio:

Q. Let's see what your attitude was in the lumbermen's strike in the northwest.

Mr. Gladstein: I object to that as immaterial. Now we are going into the lumbermen's strike.

Presiding Inspector: I suppose that is on the same point.

Mr. Gladstein: So far there is no point at all. You practically said the same thing, your Honor, in agreement with our contention as far as the North American is concerned.

Presiding Inspector: I say, and I still say that the only point in all this testimony is as to the action of Mr. Bridges as a labor leader.

Mr. Gladstein: Yes.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: And it may have some point. I am not saying whether it has or not. Of course, there is another implication which counsel seeks to draw; that, in view of the testimony of Mr. Frankenstein, there is action of this witness which the Government may claim indicates his affiliation with the Communist Party.

Now, you may say that is a far-drawn, far-fetched con- [7489] elusion. That is argumentative.

Mr. Gladstein: That would be the least by way of characterization.

Presiding Inspector: I merely intimated that that may be a possible claim. I don't know.

Mr. Del Guercio: That is one of our claims.

Mr. Gladstein: Then that is the sort of thing that you can find in page after page of the Dies Committee hearings, nothing but that sort of thing. You cannot establish anything with legal probative value in this case by having one witness get up on the stand and say, "I believe, or I have information to the effect that a certain strike was Communist inspired," and then, without anything more, because Mr. Bridges sent a telegram of greetings and best wishes to the workers who were on strike against conditions of \$19.60 a week, claim that an inference should be drawn that Mr. Bridges is affiliated with the Communist Party. It is not just a question of being far-fetched. I think we have simply exhausted all possible imaginative limits of probative value. If the Government is willing to say now that that is the theory of their case, and

(Testimony of Harry Renton Bridges.)

that is the kind of evidence that they intend to rely on in their effort to deport Mr. Bridges,—well, I suppose we have to sit back and listen to them do it.

But we still want to make our legal objection, and we want the record to clearly show it. [7490]

Mr. Del Guercio: Counsel had full opportunity to cross examine Mr. Frankenstein concerning his statement here that this strike was Communist inspired. They apparently believed it and let it go because they didn't cross examine him on it.

Mr. Grossman: When we are talking about whether a strike is Communist inspired, we have what is considered in any court a legal conclusion.

When we consider that Mr. Frankenstein stated clearly and positively that this strike was 100 per cent solid, what did he mean by that? He meant 12,000 workers who favored the strike. When he states it was Communist inspired, he didn't mean that they were all Communists. He was giving his legal conclusion. He is entitled to his opinion. We are not stating he is not. But to state that Mr. Frankenstein even intended to give something as factual testimony, is not correctly stating it. He was giving his opinion, solely his opinion, not purporting to be facts and it cannot be treated as if it were facts. Other people would reach a different conclusion from the same facts. Other people would say, "If 12,000 workers are solid, it couldn't be Communist inspired." Obviously, it is a conclusion.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: In addition, you must keep in mind the testimony of Mr. Frankenstein which he previously gave, and this was brought out in response to questions that were [7491] directed to him by the Government, that the leaders of the Strike Committee, for example, the men whom he found it necessary to discharge because they didn't obey the orders of the International Union, he said were not Communists.

Presiding Inspector: He said that in the case of some of them.

Mr. Grossman: All of them.

Mrs. King: Every one of them.

Presiding Inspector: He said that he did not discharge them because of any political views.

Mr. Grossman: He stated more than that. He stated those men discharged were definitely not Communistic and those, he stated, were the men who called the strike. That is according to his own testimony. Therefore, as Mr. Gladstein has pointed out, we are faced with this: That is, whether one who merely thinks a strike is Communist inspired is enough to label anyone a Communist who supports it.

Mr. Gladstein: On page 7453 is part of an answer where Mr. Frankenstein is listing the people whom he suspended, or discharged. On the previous page it started:

"Q. Who did you suspend?

"A. I suspended Wyndham Mortimer."

Then he was asked:

(Testimony of Harry Renton Bridges.)

"Q. Do you know whether he is a member of the Communist Party? [7492]

"A. I don't know that."

Then he went on to say:

"I might say this, so there is no confusion on this point. I didn't fire any of these five people on the basis of any of their politics."

Later on he was asked:

"Q. Who were the others that you fired?"

He answered by naming Stan Douglas, and then he said:

"I want to say clearly, all of these people are definitely ~~not~~ Communists."

The Government, it seems, is bound by the testimony of their own witness on that.

Mr. Del Guercio: May I proceed?

Presiding Inspector: Yes, proceed.

By Mr. Del Guercio:

Q. Now, June 11, 1941, when you sent this telegram to Connelly, through Lou Goldblatt, was the first time since the strike had been called that you came out publicly urging the strikers to return to work, isn't that a fact?

A. I didn't even come out publicly then. I haven't yet.

Q. But your telegram was published, was it not?

A. I don't know what happened to it. I know it was read, according to my instructions to the person to whom it was sent. Whether it was published or not I don't know. [7493]

(Testimony of Harry Renton Bridges.)

Q. You intended it to be read, didn't you?

A. That is right. It was read to the members, strikers.

Q. Now, did you, on June 6, 1941, send this wire to O. M. Orton, President of the CIO International Woodworkers of America:

"You have our unqualified and wholehearted support in your stand against the union smashing proposals of the National Defense Mediation Board. Congratulations on your courage and determination in the face of the extreme pressure that is being put upon you to sign away the fundamental rights and living standards of your membership."?

A. Did I send that?

Q. Yes? A. No.

Q. Didn't you and Matt Meehan send that wire?

A. No.

Q. Who sent it?

A. Matt Meehan sent it and signed "Matt Meehan and Bridges." I knew nothing about it. I read an account of it in the press and I sent a follow-up wire and said, "The wire does not represent my sentiment or opinions." That wire, I am sure, was sent on the same date, a little later than that one you refer to, and it is in the possession of Orton, and I have a carbon copy of it. [7494]

Q. Do you have a carbon copy with you?

A. Oh, yes.

Q. May I see it?

A. I do not have it with me. I can get it.

Mr. Del Guercio: Does counsel have it?

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: No. We didn't anticipate questions of this kind. We will supply the telegram.

By Mr. Del Guercio:

Q. You are sure that this was sent the same day or the following day, on June 7th?

A. I am not sure. After all, we had our own strike——

Q. (Interposing) Let me refresh your memory. Is this the wire that you followed it up with:

"I.L.W.U. pledges full support to strike for improved hours wages working conditions of N. W. lumber workers against the notorious Weyerhaeuser. National defense should mean decent wage-hour standards just as important as large profits of industrial corporations. We regret that employer representatives on National Mediation Board were apparently able to influence Board against strike and sincerely hope you may be successful in urging C.I.O. Representatives on Board to offer reasonable basis for returning to work with substantial increase improvement for workers involved."

Is that the telegram you have in mind?

A. Yes, [7495]

Q. What is there in that telegram about you repudiating the one sent by Matt Meehan in connection with which he used your name?

A. I had better tell you the whole thing.

Q. Will you answer that question? What is there in that telegram wherein you repudiated everything sent in the earlier telegram on June 6th?

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: The telegram speaks for itself.

A. There was another telegram. It is not in this telegram.

By Mr. Del Guercio:

Q. You sent another wire?

A. There is another wire; yes. Not only that, but I called Orton on the long distance phone, in the presence of Matt Meehan, as soon as the telegram came to my attention. I asked Meehan whether he sent the wire and he said "Yes." We had a discussion on it. I said, "I don't approve of the position taken by Orton, of any statements he has made carrying the implication that Philip Murray or Tom Kennedy were participating in the union's fight."

I called Orton immediately and I said, "I had no part in that telegram. It doesn't represent my sentiments and I advise you to wire Mr. Murray an apology if he has read that implication in your message." I said, "I am sending you a telegram to this effect, saying I had nothing to do with the [7496] sending of that telegram sent by Matt Meehan, and I will send you an official telegram expressing the opinion of our organization in connection with your strike."

You have got in there.

Q. The one I read last?

A. Then I have another telegram saying that the telegram sent and signed by Meehan does not in any way represent my sentiments, and so forth.

Q. Now, on the same day,—

A. (Interposing) I can produce it.

(Testimony of Harry Renton Bridges.)

Q. Was the CIO represented on the National Defense Mediation Board? A. Sure.

Q. Who is that?

A. Philip Murray, Thomas Kennedy, they are the two ranking ones. There are panels and they change around.

Q. And you knew, prior to the sending of these telegrams to O. M. Orton, that O. M. Orton had had a conference with the National Defense Mediation Board in Washington, D. C., did you not?

Mr. Gladstein: I object to the question as being vague. Three telegrams have been mentioned. To which are you referring?

Mr. Del Guercio: All the telegrams.

Mr. Gladstein: You see, that is the point. The third [7497] telegram, the one signed by Matt Meehan, the only evidence there is on that is that it was a telegram not authorized by the witness to have been sent.

Presiding Inspector: But there is the first one.

Mr. Gladstein: But the question, in its present form, attempts to put into the record a question which —

Presiding Inspector: Let me hear the question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: It is put in a passive form. It doesn't imply that this man sent that Meehan-Bridges telegram. I will take it with that understanding.

(Testimony of Harry Renton Bridges.)

A. I knew that they had been in Washington conferring with the Mediation Board; yes.

By Mr. Del Guercio:

Q. And in sending the wire that you did, even the wire on June 7th, not to say anything about the first wire, you were defying, were you not, the National Defense Mediation Board?

A. What do you mean, "defying the Mediation Board"?

Q. Opposing it.

A. Well, if it is going to be illegal to oppose the Mediation Board it is something new to me. Any time I think the Mediation Board is making a recommendation to a group of workers that is not going to do the workers any good, I hope [7498] we still have the right to oppose it—possibly that is going to end soon—but at least we still have that right, and that position.

Q. And you set yourself up as a one-man judge to judge the National Defense Mediation Board?

A. No, I didn't; oh, no, I didn't. I was requested—after all, our unions work closely with the Woodworkers and the—

Q. (Interposing) North American?

A. And the North American?

Q. Yes. A. Oh, yes.

Q. Pretty close together? A. Yes.

Q. You know what is going on all the time?

A. I try to. I know pretty much what is going on. I would like to have you go into some of it, but

(Testimony of Harry Renton Bridges.)

in the case of the IWA, the two unions work very closely together.

When a group of workers are on strike, at least, they think they are right. When you are going to change their mind you don't want to kick them around the ears, but to handle them decently, and because we have always done that they listen to us.

Q. You don't believe that the representatives of the CIO on the National Defense Mediation Board can properly take [7499] care of those matters?

Mr. Gladstein: I object to that as argumentative and immaterial.

Presiding Inspector: I think that is pure argument.

By Mr. Del Guercio:

Q. Are you setting yourself up as superior to Sidney Hillman and to Philip Murray?

Mr. Gladstein: The same objection; it is argumentative.

Presiding Inspector: I think that is argumentative.

By Mr. Del Guercio:

Q. You heard Mr. Frankenstein broadcast Saturday, didn't you? A. I didn't

Q. You didn't?

A. That is why I couldn't get him. I was trying to reach him on the long distance phone and he was broadcasting. I didn't hear him broadcast nothing. I knew nothing about it until Sunday morning. I

(Testimony of Harry Renton Bridges.)

was tired and went home and went to bed Saturday night.

Q. Now, let's go back to your differences here, alleged differences with Harry Lundeberg. Isn't it a fact that your only differences with Harry Lundeberg have been that you are following the Communist Party line and that Harry Lundeberg is not, isn't that correct?

A. I don't think so. Lundeberg doesn't worry us much. [7500]

Q. That is the only fundamental difference between you and Harry Lundeberg.

A. All the differences I have had with Lundeberg have been on matters of policy in the Maritime industry, or in trade unions generally. But Lundeberg is not a large person; he is a small worry to us.

[7501]

Q. And your only other difference with Harry Lundeberg is your disappointment that you were unable to get him into the Communist Party; isn't that a fact?

A. Well, after seeing him up here—he landed up here where I always figured he would land and it may be a good job he didn't get in, but I had nothing to do with it one way or the other.

Q. And Harry Lundeberg is not fighting you and has not been fighting you as an individual but is fighting you as a Communist; isn't that a fact?

A. I don't know. Lundeberg might be able to distinguish the difference.

(Testimony of Harry Renton Bridges.)

Q. Well, I think he can much better than you can.

A. Well, we might differ on that.

Mr. Gladstein: Your Honor—

Presiding Inspector: (Interposing) Now, ~~we~~ we have got to have questions, Mr. Del Guercio, and not argument from counsel.

By Mr. Del Guercio:

Q. Now, you admitted that you had Harry Lundeberg up to dinner just once; is that correct?

A. That is right.

Q. That was the only time you had him up to your house, just that one time? [7502]

A. That is right.

Q. You never invited him before for dinner and you never invited him afterwards for dinner up to your house?

A. Oh, I think it is possible I had invited him before, that either he couldn't make it or I couldn't make it.

Q. You say at the time you did invite him when he was up at your house your wife was present?

A. Yes, sir.

Q. And you say there was another woman?

A. Yes, sir.

Q. Now, who was that other woman?

A. I think Lundeberg's testimony was correct in that I think it was Norma Perry.

Q. And she was your secretary at that time?

A. Yes; I think she brought him up there.

(Testimony of Harry Renton Bridges.)

Q. She was your secretary at that time, wasn't she?

A. She was my secretary.

Q. Employed by you?

A. No; employed by the union.

Q. And working under your supervision?

A. Oh, yes.

Q. Have you ever heard of Harry Lundeberg having conferences with Communist Party leaders like Sam Darcy, Schneidermann, Morris Rapport, and others of that kind, Elmer [7503] Hanoff?

A. Heard from who? Heard it from——

Q. (Interposing) Do you know of your own knowledge whether he had conferences with those Communist Party leaders?

A. No, I don't know; I don't remember.

Q. Uh-huh.

A. There is a mistaken idea that Lundeberg has a lot to do with—that I keep track of him and all the rest of it, but I don't know what Lundeberg does. He is small potatoes.

Q. He is what?

A. He is not very important in our affairs, you know.

Q. As a matter of fact, he is a lot bigger than you are; isn't that a fact?

Mr. Gladstein: Now, I think——

Mr. Del Guercio: I don't mean physically, either.

Presiding Inspector: Just a minute. I am not sure but what the answer of the witness gave some basis for that.

(Testimony of Harry Renton Bridges.)

Mr. Gladstein: What does the previous question say?

Presiding Inspector: The witness volunteered a statement as to the size of Mr. Lundeberg.

Mr. Gladstein: Well, I understood that, your Honor, but nevertheless if an answer is not properly in the record, then, the appropriate thing to do is to move to strike it as being unresponsive.

Presiding Inspector: I don't suppose he cares to strike [7504] it.

Mr. Gladstein: It is not for Mr. Del Guercio to begin arguing with the witness and to phrase questions of the last kind.

Presiding Inspector: That is true.

Mr. Gladstein: Which certainly can't advance us.

Mr. Del Guercio: I am not trying to argue with the witness. I am trying to get the truth from him. I know I am not succeeding.

Mr. Gladstein: I move that be stricken as highly improper.

Presiding Inspector: Yes, I will strike that out. I don't think this question helps any.

Mr. Del Guercio: Now, if the Court please, yesterday I offered for identification a document, the agreement reached before the National Defense Mediation Board.

Presiding Inspector: Yes, sir.

Mr. Del Guercio: I have today a certified copy of the agreement entered into before the representatives of the North American Aviation, Incorpo-

(Testimony of Harry Renton Bridges.)

rated and the United Automobile Workers of America, CIO, Local 683, entered into May 27, 1941, furnished by or certified to as being a correct copy by Ralph T. Seward, the Executive Secretary of the National Defense Mediation Board. I desire to substitute this for the one I [7505] offered yesterday.

Presiding Inspector: You may put it in, but you have had a reference to the other in the testimony of Frankenstein. I wouldn't substitute it. This is merely corroborative or a little more official. I don't think it is really necessary.

Mr. Gladstein: It really isn't because apparently it is—

Presiding Inspector: (Interposing) No, the same thing. It may be well, though, to have it in the record. I will take it but I don't think it can be substituted because it would affect the testimony of Mr. Frankenstein.

Mr. Gladstein: As well as portions of the other document which were referred to Mr. Bridges.

Presiding Inspector: That I don't remember.

(The document referred to was received in evidence and marked Government's Exhibit No. 294.)

Mr. Del Guercio: And I also desire to offer at this time the Federal Register containing an executive order ordering the taking over of the North American Plant by the Army.

Mr. Gladstein: I object to that as immaterial

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I don't think it is very material. You have got the fact in.

Mr. Del Guercio: We want the executive order to show the exact situation here, a National Emergency existing, the public announcement of the President on Sunday. [7506]

Presiding Inspector: I don't see how it is any more harmful to you.

Mr. Gladstein: It isn't, your Honor. It is simply the question we raised yesterday.

Presiding Inspector: I think I will take it.

(The document referred to was received in evidence and marked Government's Exhibit No. 295.)

Mr. Gladstein: If the existence of a National Emergency means that rules of law must be suspended in this case and immaterial matters admitted, I suppose, it must be done.

Presiding Inspector: I will take it.

Mr. Grossman: I notice the document substituted for the document that was introduced for identification doesn't seem to be the same. If there is any difference we wish the other document to continue for identification.

Now, isn't it true that it is not the same document?

Mr. Del Guercio: There is no difference in so far as the agreement is concerned, so far as I know.

Mr. Grossman: There is more to the other than the agreement you asked questions on.

Presiding Inspector: We didn't strike the other.

(Testimony of Harry Renton Bridges.)

Mr. Grossman: Is it still in?

Presiding Inspector: Still in.

Mr. Grossman: I thought it was substituted.

[7507]

Presiding Inspector: No, I couldn't allow it to be substituted. That would affect the testimony of Mr. Frankenstein who made reference to the other.

Mr. Del Guercio: That is all, if the Court please, except with the reservation of the other matter we have in mind.

Presiding Inspector: Yes.

Mrs. King: Yesterday, I believe Mr. Del Guercio, you wanted to introduce in evidence some other pages of an IWW publication. I brought those other pages with me. I didn't know which ones you wanted.

Mr. Del Guercio: All of them.

(Whereupon the documents referred to were passed to Mr. Del Guercio.)

Mr. Gladstein: Your Honor, I would like to suggest while this is being done, so we can go over our notes to see what, if any, redirect examination we wish to make, that we might take a short recess, our morning recess at this time.

Presiding Inspector: Yes, we will take a short recess.

(Whereupon a short recess was taken.)

Mr. Gladstein: We will only have a question or two, your Honor.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: Yes. Shall we proceed?

Mr. Gladstein: Yes. [7508]

Redirect Examination

By Mr. Gladstein:

Q. Has it ever been true that your only difference, or any difference between you and Harry Lundeberg has been the question of following the Communist Party line or the question of Mr. Lundeberg joining the Communist Party?

A. I have never had any single difference with him on that point at no time.

Q. Have your differences been other than those which have been described in your testimony yesterday?

A. No, simply trade union policies, that is all, tactics.

Q. Did you ever in your home or at any other place ever tell Harry Lundeberg that you were a member of the Communist Party?

A. No.

Mr. Del Guercio: That has been gone into, your Honor.

Presiding Inspector: Well—

Mr. Gladstein: (Interposing) I don't know that it has.

Mr. Grossman: No, that was not gone into.

Presiding Inspector: I thought that was answered.

Mr. Grossman: No, it was not. That was omitted. That is why it is asked today.

(Testimony of Harry Renton Bridges.)

Presiding Inspector: I think it was answered the same [7509] way.

By Mr. Gladstein:

Q. Or did you ever say in these words or in substance that he had nothing to be afraid of, that he should join the Communist Party?

A. No.

Mr. Gladstein: That is all, your Honor.

Presiding Inspector: Anything further from this witness?

Mr. Del Guercio: No, excepting for that matter that——

Presiding Inspector: (Interposing) Yes. You have finished with this witness?

Mr. Del Guercio: Yes, sir.

(Witness excused.)

Mr. Del Guercio: We have one other witness. We have a short witness here, about five minutes.

Presiding Inspector: Better call him.

Mr. Gladstein: Before we rest I wish to make this statement: I realize it is not in the nature of evidence, your Honor—you will recall during the cross examination of Mr. Lundeborg that a question was raised as to the membership of the Sailor's Union of the Pacific at the very start of the 1934 strike.

Presiding Inspector: The number of members.

Mr. Gladstein: Yes, sir; and at our request Mr. Lundeborg agreed that a representative of our office

or of the Defense could examine the files of that union. [7510]

Présiding Inspector: Yes, sir.

Mr. Gladstein: We have taken advantage of that opportunity and I simply point this out: Our representative, in the presence of Mr. Lundeberg and Mr. Prevost, an assistant of Mr. Lundeberg, and also in the presence of a third man, on June 11th at about 8:45 in the morning in the office of the Sailor's Union of the Pacific, was shown certain files containing certain cards, membership cards, and he was directed to three files in particular and was told that those files contained the membership cards indicating dues payments prior to 1934 and particularly prior to the 1934 strike.

These cards, all of the cards represented the total membership of the Sailor's Union of the Pacific for a long period of time and our representative was told that there were probably between two and three thousand cards in those boxes. It was impossible for him, in the time that he had, to examine all of the cards so he examined a sampling of one hundred cards at random. In the first group of 40 that he examined there were four which indicated dues payments during the month of May 1935, or during any of the three months immediately prior thereto.

Mr. Del Guercio: Is this testimony?

Mr. Gladstein: No; I stated this is not testimony; I have stated that. I make this statement because of something that I wish to say for the record. [7511]

In the next group of 40 samples there were seven such cards.

Presiding Inspector: I suppose you ought to substantiate this if it is going to be of any effect.

Mr. Gladstein: I realize that it will not have probative effect.

Presiding Inspector: No probative value, but there is something you are coming to?

Mr. Gladstein: Yes, sir. In the last group of 20 there were no such cards.

Now, in a great many of the cases of the cards, of the 100 cards that were examined the stamps indicated dues payments for such early years as 1919 or 1926 or 1928, and then there would be a lapse or gap between those early years and some later year such as 1936, and many of the cards bore notations to the effect that the member was reinstated upon the payment of four months dues and the date of reinstatement was given as some time in 1935 or late in 1934 or some later date.

Now, it would obviously be impossible, unless we wished to extend the hearing, to take the time to make a complete analysis of those cards.

We do not feel that the matter is of sufficient importance to warrant that and we don't feel that the hearing should be protracted for that reason, so I make this statement simply because if I did not do so the record would show that we had [7512] made a request of Mr. Lundeborg and that had we said nothing else as to what had been done with respect to that request an inference might be drawn that we had not taken advantage of it, or were appre-

hensive about doing so. That is the reason that I make this statement.

Mr. Del Guercio: Well, I think, of course, the entire statement should be stricken in view of counsel's statement that it has no probative value. It is argument of counsel.

Presiding Inspector: All they want it to appear, they took advantage of the offer, but they could come to no conclusion on it.

Mr. Del Guercio: That is the only statement I think should be permitted to stand in the record.

Presiding Inspector: Well, that is the essence. I think, and that is what I will take from it.

Mr. Del Guercio: May we call our next witness?

Mr. Gladstein: What is this? Surrebuttal?

Presiding Inspector: I don't know what this is. We have lost all track of—

Mrs. King: (Interposing) It seems to me your Honor, we should not be required to close our case before the Government calls its last witness because that witness may affect the future conduct of our case. [7513]

Presiding Inspector: All right, I will take that into consideration if you throw yourself on the mercy of the Inspector.

Mr. Gladstein: Is this the last witness, Mr. Del Guercio?

Presiding Inspector: I don't know?

Mr. Del Guercio: Yes.

Presiding Inspector: Call the witness.

FOSTER HAILEY

called as a witness in rebuttal on behalf of the Government, being first duly sworn, testified as follows:

Presiding Inspector: State your name for the reporter.

The Witness: Foster Hailey, H-a-i-l-e-y.

Direct Examination

By Mr. Del Guercio:

Q. What is your occupation, Mr. Hailey?

A. Reporter.

Q. With what newspaper?

A. The New York Times.

Q. Were you present in Los Angeles on Sunday the 9th of May, 1941?

A. Is that Sunday.

Q. Yes. **A.** Yes, I was.

Q. And where were you in Los Angeles? [7514]

A. Well, I was at various places.

Q. Well, did you attend a mass meeting of the strikers of the North American Corporation on that day? **A.** I did.

Q. And did you hear—where was that held?

A. Well, it was held in what they call a bean field, a big open field to the north of the North American Aviation Company Plant.

Q. And who was present, that is, what kind of an affair was it?

A. Well, it was a meeting of the—supposed to be a meeting of the strikers at the plant.

Q. And who was addressing the strikers?

(Testimony of Foster Hailey.)

A. Well, there were several people addressing the strikers. First, there were the members of Local 683's Negotiating Committee; then, Mr. Frankenstein. Following that I went to telephone my story to that point to New York City, and then I returned and heard other speakers.

Q. Did you hear Mr. Connelly speak?

A. I did.

Q. Did you hear what Mr. Connelly—did Mr. Connelly say anything with reference to Harry Bridges?

A. Yes, sir.

Q. What did he say?

Mr. Gladstein: I will object to that as calling for [7515] hearsay, your Honor, of a secondary character and as being immaterial.

Mr. Del Guercio: Now, if the Court please, this isn't hearsay. We have now that situation there at the strike. We have Harry Bridges' admission that he sent his best wishes and his support to the strikers. We have Bridges' admission that he was in telephonic conversation there with Connelly.

Presiding Inspector: Afterwards?

Mr. Del Guercio: Sir?

Presiding Inspector: Afterwards?

Mr. Del Guercio: Afterwards. We say before, too.

Presiding Inspector: Yes. Was he in communication with Connelly afterwards?

Mr. Del Guercio: Yes, before and afterwards.

Mr. Gladstein: Now, if your Honor please, as I understand it, the Government is now attempting

(Testimony of Foster Hailey.)

to prove something that Mr. Bridges is supposed to have done or said by —

Presiding Inspector: (Interposing) Well, to Connelly.

Mr. Gladstein: (Continuing). —by virtue of what Mr. Hailey says he heard Mr. Connelly say.

Now, if your Honor please, that is the kind of hearsay that is inadmissible particularly in view of the fact that the Government has not established the unavailability of Mr. Connelly. [7516]

Mr. Del Guercio: Now, if the Court please—

Mr. Gladstein: (Interposing) . Then of course, the primary proof as to whether Mr. Bridges authorized anybody to say anything, if so, what would come directly from Mr. Bridges, that has been gone into. Now, if the Government wishes to claim any conflict, or that it wishes to finish the picture, if a man named Connelly is supposed to have said something, if there is no proof that he is unavailable—and there hasn't been any such proof—then, I think it is their obligation to produce Mr. Connelly, not somebody who happened to be down there and heard Mr. Connelly's remarks.

How can Mr. Bridges be bound by that sort of testimony?

Presiding Inspector: I don't think he can.

Mr. Del Guercio: Now, if the Court please, you must understand that Mr. Connelly was speaking for Harry Bridges. He is also a representative of the CIO and a representative of Bridges.

Presiding Inspector: No, that doesn't make any

(Testimony of Foster Hailey.)

difference. It is a question of evidence here. Shouldn't you produce Mr. Connelly?

Mr. Del Guercio: Well, of course, Mr. Connelly is unavailable to us on account of his position in the matter.

Presiding Inspector: That wouldn't make any difference. He is subject to subpoena. [7517]

Mr. Gladstein: Mr. Frankenstein is one of the same kind of witnesses and he came in response to the subpoena.

Mr. Del Guercio: I am talking about the Communist Party.

Mr. Goodwin: May I say something?

Presiding Inspector: Yes, surely.

Mr. Goodwin: We are not obliged to call Mr. Connelly and rely on his testimony. I don't see that there is any limitation on the hearsay rule because we are having this witness repeat what Mr. Connelly said. Now, I think it sufficiently appears in the record that Mr. Connelly is an officer of the trade union, a trade union officer in the State of California and that Mr. Bridges is also an officer in the CIO in California. This strike occurred in California. Mr. Connelly was addressing a body of strikers, addressing them in his official position as an officer and advising them, reporting to them, in fact, with reference to the attitude of an official and the head of the longshoremen. Now, that is a fact. The question of what he said there is a fact, an evidentiary fact, and it is one that we have first had information in regard to by this witness.

(Testimony of Foster Hailey.)

Now, we are not obliged to call Mr. Connelly or be bound by what he says. If this witness says that Mr. Connelly said something that Mr. Connelly doesn't agree to, then, the other side may call him.

We object to being obliged to call a witness who may be [7518] a hostile witness. It is the fact of what he said there that is material.

Now, there is no limitation, as I understand it, your Honor, upon your right.

Presiding Inspector: No necessary limitation, no legal limitation, you are right about that. I may disregard the rules, the ordinary common law rules of evidence.

Mr. Goodwin: Yes.

Presiding Inspector: But I don't see what Mr. Connelly said there about what Mr. Bridges said, how it binds Mr. Bridges.

Mr. Del Guercio: If we could show that Mr. Connelly was speaking as an agent of Mr. Birdges.

Mr. Gladstein: But the testimony, your Honor, is that Mr. Bridges sent a Mr. Goldblatt down there personally to participate in a certain way in accordance with an agreement that Mr. Goldblatt and Mr. Bridges had. You recall that. And Mr. Bridges had already testified as to Mr. Connelly and the evidence is clear that Mr. Connelly has not been acting as a representative or agent of Mr. Bridges, and the evidence is that Mr. Connelly occupies a position in the CIO down there and he doesn't have to take orders from Mr. Bridges and Mr. Bridges didn't give him any orders.

(Testimony of Foster Hailey.)

Now, of course, what the real purpose of the argument is is not that which Judge Goodwin points to because that de- [7519] feats itself. As Judge Goodwin says, if you allow this testimony, then, it casts upon us the responsibility of finding Mr. Connelly, to bring Mr. Connelly into disagree—I assume that this is the possibility—disagree with what Mr. Hailey says Mr. Connelly said. What are we trying then? Are we trying what Mr. Bridges did in that particular case, what Mr. Bridges' attitude was? No; then, we are trying the issue as to whether Mr. Connelly said A, B, C, or whether he didn't say A, B, C; that is what it amounts to.

Presiding Inspector: How does Mr. Bridges know what Mr. Connelly said?

Mr. Del Guercio: It was given publicity, if your Honor please, and it was not repudiated.

Mr. Grossman: That is not true.

Mr. Goodwin: May I say something?

Mrs. King: It seems to me, your Honor—

Presiding Inspector: (Interposing) Let's hear Judge Goodwin first. Then I will hear Mrs. King.

Is there anything else you wanted to say?

Mr. Goodwin: All I wanted to say, I think I said. What he said on that occasion as an official is an evidentiary fact even outside of hearsay.

Presiding Inspector: It might bind Mr. Connelly.

Mr. Goodwin: It is one of the things that has to do with the questions that are involved in this case.

[7520]

(Testimony of Foster Hailey.)

Now, your Honor says——

Presiding Inspector: (Interposing) Frankly, Judge Goodwin, I can't see how this will help me decide this case.

Mr. Goodwin: Undoubtedly, he said something in the course of his official business in connection with the strike, in connection with his duties as an official, and the only objection to the statement is that it is a statement of what he said and not——

Presiding Inspector (Interposing) It may prove that Mr. Connelly has been faithless in delivering a message, that is, it doesn't show what Mr. Bridges said to Mr. Connelly. It certainly doesn't show that. It doesn't show any proof which would be accepted in any Court that I know of or in any hearing as to what Mr. Bridges said to Mr. Connelly. It would show that Mr. Connelly quoted Mr. Bridges but whether he is correct would depend upon the credibility of Mr. Connelly of which we haven't the slightest information.

Mr. Goodwin: Yes. Well——

Mr. Del Guercio: (Interposing) Permit me, your Honor, to make this observation:——

Presiding Inspector: Yes, certainly.

Mr. Del Guercio: There is evidence that Bridges was in communication with Connelly before this purported conversation and after.

Presiding Inspector: Yes. Well, he has told what he [7521] said.

Mr. Del Guercio: All right. Now, we have a

(Testimony of Foster Hailey.)

statement on a vital public matter. Connelly, after a conversation with Bridges, makes a certain statement purporting to come from Harry Bridges. It is given publicly. He speaks as an agent of Bridges at that time. The matter is given publicly. Harry Bridges has been in communication, admittedly in telephonic communication with Connelly immediately afterwards, and there has been no repudiation of that statement. The witness has so testified.

Now, I think that under those circumstances we are allowed, or should be allowed to bring out what that statement was.

Presiding Inspector: Well, how does that bind Mr. Bridges?

Mr. Del Guercio: Well, it binds Mr. Bridges in this respect: That here is a person down there who is speaking for him——

Presiding Inspector: (Interposing) Oh, no, no; he was not speaking for him. He was speaking——

Mr. Del Guercio: (Interposing) Well, we will see what the testimony of this witness is. He said he was speaking for Harry Bridges.

Presiding Inspector: Then, show who he was speaking for. Who was Mr. Connelly? [7522]

Mr. Del Guercio: Mr. Connelly was an official of the CIO speaking to these strikers.

Presiding Inspector: Certainly.

Mr. Gladstein: Of which there are thousands, thousands of officials of the CIO.

Presiding Inspector: Not speaking for any particular——

(Testimony of Foster Hailey.)

Mr. Del Guercio: (Interposing) May I ask this one question of the witness?

Presiding Inspector: Yes, certainly.

Don't answer it.

By Mr. Del Guercio:

Q. Was Mr. Connelly speaking for Mr. Bridges in connection with the matter?

Mr. Gladstein: Obviously that calls for the opinion and conclusion of this witness.

Presiding Inspector: How does this witness know?

Mr. Del Guercio: Well, Connelly said—

Presiding Inspector: (Interposing) Did Connelly say so?

Mr. Del Guercio: Here is an account that says "I authorize the speaker—"

Presiding Inspector: (Interposing) No; I have heard enough argument. I won't take this testimony.

Mr. Goodwin: May I say one thing before you finally [7523] close the door on that testimony?

Presiding Inspector: Yes, certainly.

Mr. Goodwin: The fact that this witness says here that Mr. Connelly reported there that Mr. Bridges had taken a certain position is logically evidentiary, is it not, just as much as any other hearsay evidence?

Presiding Inspector: I wouldn't say so.

Mr. Goodwin: Now, the only reason that testimony of that kind is excluded is for reasons of pub-

(Testimony of Foster Hailey.)

lic policy, what somebody else said is not admissible in a Court of Law. The whole thing is historical. Now, you know and I know and everybody knows that when this witness testifies in regard to what Mr. Connelly says, what Mr. Bridges says, that has logically probative force, and if your Honor excludes it your Honor merely excludes it for the reason that you don't care to hear it because you think it is too remote.

Presiding Inspector: That is it.

Mr. Goodwin: Yes. Well, now, you are excluding it, just as in the case of any other hearsay when a Court of Law excludes hearsay evidence, and excludes it merely because—not because it is not logically probative but as a matter of public policy and for historical reasons.

Presiding Inspector: I excluded the book that they produced here about the IWW on exactly the same basis, that the [7524] author of that book only had hearsay information as to the policies of the IWW, under the objection of the Government.

Mr. Goodwin: I don't see that they are connected. Here is the witness, a credible witness, who says Mr. Connelly—

Presiding Inspector: (Interposing) Because it depends on the truthfulness of various or here, perhaps, a single intermediary, and we have never seen Mr. Connelly. We don't know what he said, what Mr. Bridges said to Mr. Connelly. Maybe his statement would be his opinion on what Mr. Bridges' attitude was.

(Testimony of Foster Hailey.)

Mr. Goodwin: Well, he heard——

Presiding Inspector: (Interposing) Now, I can't see how that would advance anything. No Judge would give it any particular credence even if it came in.

Mr. Goodwin: Yes. I think that in these hearings they have gone so far so to overrule an objection that the hearsay evidence is not only hearsay but it is hearsay on hearsay on hearsay evidence.

Presiding Inspector: Well, I think this is too remote.

Mrs. King: I think that you said what I wanted to say far better than I could have said it, your Honor. In other words, this isn't a question of hearsay. It is a question of what——

Presiding Inspector: (Interposing) Now, if you can show that Mr. Bridges had any conversation with Mr. Connelly, [7525] conversation subsequent to this time about what occurred at that meeting, then, that might be another question.

Mr. Del Guercio: Well, I will——

Presiding Inspector: (Interposing) I will ask Mr. Bridges, myself, if you don't object.

Mr. Del Guercio: No.

Presiding Inspector: Did you have any later conversations with Mr. Connelly after this meeting occurred?

Mr. Bridges: Well, yes, I did.

Presiding Inspector: And you have discussed the attitude since, of the strikers?

Mr. Bridges: I have.

(Testimony of Foster Hailey.)

Presiding Inspector: With Mr. Connelly?

Mr. Bridges: After the meeting occurred; then, they began to agree with me.

Presiding Inspector: Did Mr. Connelly tell you that he had given your message to the strikers?

Mr. Bridges: He told—I spoke to him about that. He says “Well, all I told the strikers was that I had been talking to you and I would give you a full report” and I said that, anyway, I wished them luck.

Mr. Del Guercio: Now, that is the conversation we want, your Honor, from this witness here. Now, we want to show that that is exactly what Connelly told the strikers here at that time. [7526]

Mr. Gladstein: That he wished them luck? Well, Mr. Bridges testified to that.

Presiding Inspector: He has already testified to that himself.

Mr. Del Guercio: All right, that is the conversation that Bridges has testified to. Now, we want to show that that message was sent to the strikers.

Presiding Inspector: Well, he said so. That is what he testified before.

Mr. Del Guercio: Well, Bridges was not present when it was given to the strikers. Now, we want to show by an eye witness—

Presiding Inspector: (Interposing) That the message was delivered?

Mr. Del Guercio: That the message was delivered to the strikers.

(Testimony of Foster Hailey.)

Presiding Inspector: If that is the purpose of it I will take it.

Mr. Grossman: If the message is identical.

Mr. Del Guercio: Well, now, substantially, of course.

Presiding Inspector: Well, it need not be in the very same words.

Presiding Inspector: I will take it. It seems to me it is a point for Mr. Bridges.

By Mr. Del Guercio: [7527]

Q. Now, Mr. Hailey, will you tell us what Mr. Connelly said concerning the message he had received from Harry Bridges to give to the strikers?

A. Well, Mr. Connelly made a very rhetorical approach. He said he had been talking with a great labor leader in San Francisco on the long distance telephone, that he had got him out of bed that morning to discuss the strike with him, and he was very harried and tired and worn but that nevertheless he had discussed this matter with him because he was interested in whatever happened to working men in this country, and he said that "That man sends you his best wishes and pledges his full and complete support", and he said "That man to whom I was talking was Harry Bridges."

Mr. Del Guercio: You may cross examine.

Presiding Inspector: Do you want to ask this witness anything?

Mr. Gladstein: I think we may have a question or two. We are interested mainly out of curiosity, your Honor, but of course, it is material, I think.

(Testimony of Foster Hailey.)

Mr. Del Guercio: Now if it is curiosity alone, your Honor, I will object before even a question is asked.

Presiding Inspector: Well, we will judge whether it is curiosity alone.

Cross Examination

By Mr. Gladstein:

Q. When were you subpoenaed, Mr. Hailey?

[7528]

A. Yesterday afternoon in the Court.

Q. Where? A. Out in this building.

Q. By whom? A. By a Mr. Holland.

Q. Who?

A. A Mr. Holland, an FBI Agent.

Q. Was anything said to you at that time regarding testifying here? A. No.

Q. What were the circumstances that led up to your being subpoenaed, if you know?

A. Well, I had flown up from Los Angeles with Mr. Frankenstein and the two Los Angeles detectives who had taken us to the plane had told us that Mr. Frankenstein was to be met by two FBI Agents at the San Francisco terminal. We were discussing on the way up what the effect might be on the members of Mr. Frankenstein's union, of his being subpoenaed in this case at this time in view of the charges that had been made against him by the strikers, that he was selling them out and was a stooge of the Aircraft Manufacturers and so on, and he asked me—he said "If I am met there will you

(Testimony of Foster Hailey.)

go along with me?" and I asked him where his subpoena called for his appearance, and he showed it to me and it called for his appearance in this room. So when we were met at the airport by the two FBI men he asked them if it was all right if [7529] I came along with him, and I did, and when we got in the car he asked that he be brought here, and they said that they had been told to take him to the St. Francis Hotel to see Major Schofield and that he would rest there until they were ready for him in the Court room.

So I went along with Mr. Frankenstein to the hotel and in a general conversation there it was brought out that Mr. Frankenstein was not present when Mr. Connelly spoke but that I was, and I said, as I have testified here, as to what Mr. Connelly said to my best recollection, which I refreshed from the notes that I took at the time.

Q. And those are the circumstances that led to your being subpoenaed?

A. Yes, I told him that I had sent that same information to my paper on Sunday afternoon. And when I came to the Court at two o'clock with Mr. Frankenstein, why, I was served with a subpoena to appear.

Mr. Gladstein: I don't think we have any—yes, there is another question.

By Mr. Gladstein:

Q. Do I understand you to say that you telephoned to your paper on Sunday?

(Testimony of Foster Hailey.)

A. That is right.

Q. And that is when you telephoned the report, your news report of the meeting?

A. That is right. [7530]

Q. Now, have you ever had any subsequent—withdraw that.

Have you ever had occasion to discuss that report with anyone since last Sunday?

A. Well, yes, I have discussed it with other newspaper men, and on the following afternoon a reporter for the Los Angeles Times came to me in the Los Angeles Times News Bureau where I was writing my story on Monday and told me that the CIO headquarters had sent me a message that Mr. Bridges' position had been misrepresented and that he had taken no official position in the strike at all.

Q. From what source did that come?

A. Well, I can't swear as to that. Joe Parks, the Labor Editor of the Los Angeles Times, said that Slim Connelly's office had called and asked him if he knew where I was and he said that he didn't.

Mr. Del Guercio: Now, if your Honor please, we are making the same objection to this testimony as counsel—

Presiding Inspector: (Interposing) Go ahead. I will allow it. —

A. He said that he did not at the time but he would take any message for me. I believe the man who called was Jack—or the kid who was handling publicity for the strikers. I am not sure as to that because I don't remember, but that was the message

(Testimony of Foster Hailey.)

that Mr. Parks delivered to me and which I [7531] carried in the newspaper the following morning.

Mr. Gladstein: I think that is all except we would like to point this out, your Honor: In so far as our argument has gone with respect to any difference that appears in the record between Mr. Bridges' testimony as to what he told Mr. Connelly to convey to the strikers, and what Mr. Connelly did say, according to this witness—

Presiding Inspector: (Interposing) That is all open to argument?

Mr. Gladstein: Yes; that is the only objection we have.

Presiding Inspector: Certainly, that is all open to argument.

Mr. Gladstein: Yes, that is all.

Mr. Del Guercio: There are just two questions.

Redirect Examination

By Mr. Del Guercio:

Q. Now, I believe this meeting, mass meeting was held on Saturday, was it now, June the 8th?

A. Sunday afternoon.

Q. Sunday, June the 8th.

A. Sunday afternoon.

Q. That was June the 9th, or June the 8th, rather.

Mr. Del Guercio: Well, let's check a calendar.

Presiding Inspector: Sunday was the 9th—no, Sunday was the 8th. [7532]

Mr. Del Guercio: Sunday was the 8th.

(Testimony of Foster Hailey.)

The Witness: It was during the 8th, then.

By Mr. Del Guercio:

Q. Now, you said the FBI men had subpoenaed you or had met you?

A. That is right.

Q. As a matter of fact, they were Immigration Officers, were they not?

A. Well, now, I don't know about that. There was a Mr. Holland.

Q. Well, Mr. Holland is an Immigration Officer.

Mr. Gladstein: Is this a statement or a question?

Presiding Inspector: I don't see what difference it makes.

Mr. Del Guercio: They were Immigration Officers rather than FBI men.

Mr. Gladstein: I object to that statement from counsel. It is not a question. It can't be testimony unless Mr. Del Guercio raises his right hand and gets on that stand. Let him testify.

Presiding Inspector: It is just the same as the statement you made a while ago; neither of them are evidence.

Mr. Grossman: What is the difference, Mr. Del Guercio thinks attaches—

Presiding Inspector: (Interposing) I don't see what difference it makes. [7533]

Mr. Del Guercio: I will answer that if Mr. Grossman tells me what he has in mind with reference to the Communist Party.

Presiding Inspector: I am not interested in

(Testimony of Foster Hailey.)

what is in either of your minds unless it comes into the record.

Mr. Del Guercio: That is the threat of the whole three of them. I can tell you what I have in mind.

Presiding Inspector: None of the thoughts of counsel are interesting to the inspector.

Mr. Del Guercio: I practice no policy of hypocrisy and deceit.

Presiding Inspector: No, no. We can't have constant argument here.

The Witness: May I say, Judge, I thought he was an FBI man. He showed me no credentials. He did show his credentials to Mr. Frankenstein.

Presiding Inspector: All right.

Mr. Del Guercio: That is all, then.

(Witness excused.)

Presiding Inspector: Now, is there anything further from you, Mr. Gladstein?

Mr. Gladstein: One more thing if the Government has closed.

Have you closed, Mr. Del Guercio?

Mr. Del Guercio: With a reservation, excepting a reservation. [7534]

Presiding Inspector: No further witnesses.

Mr. Grossman: Your Honor, we would like to make a statement; we think it is a kind of thing that requires a statement. We have a signed statement of a Portland longshoreman who has since the making of this signed statement died. The reason we make this statement is first because the material and

the information contained in the statement is relevant to the proceedings.

Presiding Inspector: Let me see it.

Mr. Grossman: We are not offering it, your Honor, so may I just finish my statement?

Presiding Inspector: Oh, yes. I thought you were going to offer it.

Mr. Grossman: No, we are not offering it. That is the reason we are making this statement. I will tell you generally what this information is. It will be clear after I make the statement. It is obviously not evidence.

This deals with the alleged presence or stated presence of Mr. Cannalonga on that boat after the time that he stated he left on Wednesday. Now, we consider, as we have stated, that this evidence is relevant. We are not offering this signed statement and, I think, the Court is entitled to a statement to that effect. We are not offering this because, although the Government has been operating on the theory in the introduction of the statement of Mr. Lovelace that statements, signed statements may be introduced in evidence in this proceeding though [7535] there is obviously no basis for cross examination when the man making the statement is dead, we continue to believe that that is a denial of constitutional rights even though the rules of the Department may permit it.

We have this statement. We are perfectly willing to have it examined but we are not introducing it because we still do not concede that that can be

done without cross examination without denial of constitutional rights.

Mr. Del Guercio: Can I ask the purpose of this?

Mr. Grossman: The man's name for the record is—I will have to spell it. I am not sure of the pronunciation. S-v-e-r-d-r-u-p S-a-l-v-e-s-e-n.

Mr. Gladstein: The first name is S-v-e-r-d-r-u-p; the second name is S-a-l-v-e-s-e-n.

Presiding Inspector: That may be entered on the record.

Now, have we finished?

Mr. Gladstein: I believe we have no other matter.

Presiding Inspector: Anything further?

Mr. Del Guercio: No.

Presiding Inspector: Any further taking of testimony here?

Mr. Del Guercio: No, your Honor. I was just about to say a prayer.

Mr. Gladstein: We are going into the chambers, I assume.

Presiding Inspector: A sort of salutary prayer?

[7536]

Mr. Del Guercio: Yes, sir.

Presiding Inspector: We will take it in silence.

Then, the taking of testimony is closed. [7537]

Presiding Inspector: I will state for the record that Alien's Exhibits Nos. 51 and 52 have been skipped in numbering.

Mrs. King: The Alien's offer of the parts of the testimony in the first hearing before Dean Landis, not already admitted in evidence, is withdrawn.

Presiding Inspector: I will deny the motions to strike made yesterday and today not previously ruled on.

Mr. Del Guercio: I offer in evidence, as Government's Exhibit next in order, Declaration of Intention No. 103785, filed in the District Court of the United States at San Francisco, California, on the 28th day of March, 1939, by Harry Renton Bridges, and I ask that we be permitted to substitute a photostatic copy.

Mr. Grossman: No objection.

Presiding Inspector: It may be received and the photostat substituted.

(The document referred to was received in evidence and marked Government's Exhibit No. 296.)

Mr. Del Guercio: I next offer in evidence Application for Certificate of Arrival and Preliminary Form for Declaration of Intention No. 22-56274, submitted at San Francisco, California, the certificate being dated May 2, 1936, by Harry Renton Bridges.

The application has attached to it the certificate of [7538] arrival showing the arrival of Harry Bridges at the Port of San Francisco, California, on April 12, 1920 on the SS Ysabel.

I offer a photostatic copy of the application.

Presiding Inspector: Received.

(The document referred to was received in evidence and marked Government's Exhibit No. 297.)

Presiding Inspector: I would now like to ask the Alien some questions.

HARRY RENTON BRIDGES

the Alien, was questioned by the Presiding Inspector as follows:

By Presiding Inspector:

Q. What is your full name?

A. Harry Renton Bridges.

Q. Have you any other names?

A. Well, I have other first names. I am not quite sure about some of them. I have had what they call Confirmation names.

Q. In church? A. Yes.

Q. Those are not names. A. Well—

Q. (Interposing) They are not real names.

A. There is a custom, a certain custom.

Q. You gave your Patron Saint?

A. Yes. I have acquired a couple like that. They [7539] were used occasionally, but not for any great length of time.

Q. Used in your family?

A. As far as I know my name is Alfred, Renton, Bryant and Harry.

Mr. Del Guercio: Bridges?

A. Bridges.

By Presiding Inspector:

Q. You gave the place of your birth. Will you give it again? A. Melbourne, Australia.

(Testimony of Harry Renton Bridges.)

Q. And, of course, Melbourne is the name of the nearest town of importance because you were born in Melbourne itself? A. In Melbourne itself.

Q. And that is in what Province?

A. State of Victoria.

Q. And what country? A. Australia.

Q. Your religion? I suppose that means the religion you were brought up in—Roman Catholic?

A. Catholic.

Q. What is your religion now?

A. Catholic.

Q. The names and locations of the churches or schools you have attended. First, take the churches you have been a [7540] parishioner in?

A. In Australia?

Q. Yes. A. St. Brendans.

Q. Melbourne?

A. Melbourne. Flemington, Melbourne—that was the church we usually went to. That is the only one that comes to my mind. We went to Sunday School there and I also went to the St. Brendans School.

Q. How about after you came to this country?

Mr. Del Guercio: Not in this country. That means in the country of birth.

Presiding Inspector: Is that what that means?

Mr. Del Guercio: Yes.

Presiding Inspector: Very well. It doesn't say

(Testimony of Harry Renton Bridges.)

By Presiding Inspector:

Q. And the name and location of schools you attended? A. All of them?

Q. In Australia, yes.

A. Well, I attended for a short while, and some time, the public schools. I think you might call them the State School, one located in Kensington, Melbourne, a suburb of Melbourne; and another located in Moonee Ponds, Melbourne.

They were two Government schools, State schools.

I attended them for a short while. And I attended St. [7541] Brendans School, located in Flemington, Melbourne; and also Christian Brothers College, located in West Melbourne.

Q. And your last address in your native country, Australia?

A. I can give my father's business address. I don't remember the other. That would be 144 Bellair Street, Kensington, Melbourne.

Q. And did you reside in any country, except Australia, before you came to this country, or did you call any other country your residence? Of course, you were on the sea. A. No.

Q. From what country did you embark for the United States?

A. Do you mean the last port of call?

Mr. Del Guercio: That means the country from which you came when you decided to come to the United States.

A. Auckland, New Zealand. There were stops, of course, before I came here.

(Testimony of Harry Renton Bridges.)

By Presiding Inspector:

Q. You have given the date previously?

A. Yes.

Q. The correct names and addresses and citizenship, or nationality, of the Alien's nearest relatives residing in the country of his birth. That would be your father.

A. My father and mother. [7542]

Q. And you gave their names?

A. In this hearing, do you mean?

Q. I think you did, at the beginning of the hearing. Perhaps you had better give them again. Give your father's name and your mother's name.

A. My father's name is Albert Ernest Bridges, of Kensington, Melbourne; and my mother's name is Julia Bridges.

Mr. Del Guercio: Your mother's maiden name?

A. Julia Dorgan.

By Presiding Inspector:

Q. And the correct names and addresses of your nearest relatives residing in the United States, that is, other than your wife and child?

A. None that I know of. I have heard that there are some here, but I don't know where and I have never run across them.

Major Schofield: The address of your father and mother?

A. I could get that but I cannot give it right now. My father has been established for a long

(Testimony of Harry Renton Bridges.)

time. He has quite a large building at the address I gave. They are well known.

Major Schofield: Does he mean to say he don't know where his mother and father live?

A. No. They have a private address to. They do not live at the business address.

Major Schofield: You don't know where your own mother [7543] and father live?

A. I can't call it to mind, the exact address. There are reasons for that. They have quite a few places. They get around quite a bit. They own some hotels, and things like that, and I get mixed up on it. I can secure the address.

Presiding Inspector: I don't think that is necessary.

By Presiding Inspector:

Q. They can be reached by a letter sent to this address?

A. Oh, certainly.

Mr. Del Guercio: I suggest you should give him the warning.

Presiding Inspector: I am required by the regulations to warn you that the Act of March 4, 1929, of Congress, as amended, provides that any alien who, after arrest and deportation or departure from the United States in pursuance of an order of deportation, enters or attempts to enter the United States, shall be guilty of a felony, and upon conviction shall be liable to imprisonment for not more than two years or a fine of not more than \$1000, or both such fine and imprisonment, unless such entry or at-

(Testimony of Harry Renton Bridges.)

tempted entry is made after one year from the date of such departure or deportation, and the alien, prior to his re-embarkation at a place outside of the United States or prior to his application in foreign contiguous territory for admission to the United [7544] States, has been granted by the Attorney General permission to re-apply for admission to the United States.

Mr. Del Guercio: Do you understand that?

By Presiding Inspector:

Q. Do you understand that?

A. Yes. That means after I have gone.

Q. Yes; after you have gone.

Presiding Inspector: Now, I will ask respective counsel if they desire to file briefs in this matter?

Mrs. King: Yes, your Honor: I think our stipulation covers that.

Mr. Del Guercio: The stipulation takes care of that.

Presiding Inspector: It is stipulated between counsel for the Government and counsel for the Alien that, irrespective of the rules of the Department of Justice, the Presiding Inspector may submit to the Department, or proper officers therein, the full transcript of the hearing, as prepared by the reporter, as the official record of the hearing, without amendment or modification.

Mr. Gladstein: So stipulated.

Mrs. King: So stipulated.

Mr. Del Guercio: That is agreeable.

Presiding Inspector: It is also stipulated that briefs by counsel for the respective parties shall be exchanged between the parties, each furnishing the other with three carbon [7545] copies thereof, on or before the thirtieth day after the conclusion of the taking of evidence at the hearing.

And that the respective parties shall at the same time mail the original and one carbon copy of their briefs to the Presiding Inspector at his residence in Eden, Erie County, New York; and one carbon copy of said briefs to be mailed to Daniel W. Gaiser, care of Lands Division, Department of Justice, Washington, D. C.

Within two weeks after the day appointed by this stipulation for the exchange of briefs the parties shall exchange replies to the briefs already filed, each furnishing the other with three carbon copies thereof; and at the same time the original and one carbon copy of their respective reply briefs shall be similarly mailed to the Presiding Inspector, and one carbon copy thereof to Daniel W. Gaiser.

Mr. Gladstein: So stipulated.

Mr. Del Guercio: Agreeable.

Presiding Inspector: That is all.

I would like to see the members of the press in chambers for a moment, if you will all come in.

(Whereupon, at 12:00 noon, the hearing in the above entitled matter was concluded.)

[Endorsed]: Filed June 2, 1942.

[7546]

[Endorsed]: No. 10450. United States Circuit Court of Appeals for the Ninth Circuit. Harry Bridges, Appellant, vs. I. F. Wixon, as District Director, Immigration and Naturalization Service, Department of Justice, Appellee. Transcript of Record. Upon Appeal from the District Court of the United States for the Northern District of California Northern Division.

Filed June 3, 1943.

PAUL P. O'BRIEN,

Clerk of the United States
Circuit Court of Appeals for
the Ninth Circuit.

United States Circuit Court of Appeals
For the Ninth Circuit

No. 10450

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration
and Naturalization Service, Department of Jus-
tice,

Appellee.

STIPULATION RE EXHIBITS

It is stipulated, subject to the approval of the
above-entitled Court, that:

1. The following exhibits introduced in evidence at the hearing before the Immigration and Naturalization Service, Department of Justice, shall be printed and incorporated in the printed record on appeal:

Government Exhibits 203, 204, 205, 247, 248, 249, 250, 251, 280, 281, 283, 285, and 286; and Alien's Exhibits 15 and 25.

2. No other exhibits introduced into evidence at said hearing need be printed.

3. The remaining portions of the record in the court below, including the transcript of testimony, shall be printed, except that documents which appear in the transcript need not be printed, and opinions and decisions which were issued in printed form need not be printed but may be physically integrated in the record.

4. The parties may, in their briefs and arguments before the Court, refer to any and all exhibits on file with the Court and all such exhibits shall be deemed part of the record on appeal.

5. The parties may temporarily withdraw any or all of the exhibits on file with the Court, for purposes of inspection or examination in connection with the preparation of briefs.

Dated this 22nd day of July, 1943.

**GLADSTEIN, GROSSMAN,
SAWYER & EDISES,**

Attorneys for Appellant.

FRANK J. HENNESSY,

Attorney for Appellee.

United States Attorney,

C. H. B.

The foregoing stipulation is hereby approved, and it is so ordered, Exhibits to be withdrawn only upon special order.

Dated this 23rd day of July, 1943.

CURTIS D. WILBUR

Senior United States Circuit
Court Judge.

[Endorsed]: Filed July 23, 1943. Paul P.
O'Brien, Clerk.

United States Circuit Court of Appeal
for the Ninth Circuit

No. 10450

HARRY BRIDGES,

Appellant,

vs.

I. F. WIXON, as District Director, Immigration
and Naturalization Service, Department of
Justice,

Appellee.

STATEMENT OF POINTS ON APPEAL

The points on which appellant intends to rely
on this appeal are as follows:

1. There is no substantial evidence to support
the finding made by the Attorney General that after
entering the United States, Harry Bridges has been
a member of the Communist Party of the U.S.A.;
and the District Court erred in failing so to hold.

2. There is no substantial evidence to support
the finding made by the Attorney General that
after entering the United States, Harry Bridges
has been affiliated with the Communist Party of the
U.S.A.; and the District Court erred in failing
so to hold.

3. There is no substantial evidence to support
the finding made by the Attorney General that after
entering the United States, Harry Bridges has been
affiliated with the Marine Workers Industrial

Union; and the District Court erred in failing so to hold.

4. There is no substantial evidence to support the finding made in the warrant of deportation that Harry Bridges, after entering the United States, has been a member of an organization, association, society, or group that believes in, advises, advocates and teaches the overthrow by force and violence of the Government of the United States; and the District Court erred in failing so to hold.

5. There is no substantial evidence to support the finding made in the warrant of deportation that Harry Bridges, after entering the United States, has been affiliated with an organization, association, society, or group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States; and the District Court erred in failing so to hold.

6. There is no substantial evidence to support the finding made in the warrant of deportation that Harry Bridges after entering the United States, has been a member of an organization, association, society, or group that writes, circulates, distributes, publishes and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States; and the District Court erred in failing so to hold.

7. There is no substantial evidence to support the finding made in the warrant of deportation that Harry Bridges, after entering the United States, has been affiliated with an organization, association, society, or group that writes, circulates, distributes,

publishes, and displays printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States; and the District Court erred in failing so to hold.

8. There is no substantial evidence to support the finding made in the warrant of deportation that Harry Bridges, after entering the United States, has been a member of an organization, association, society, or group that caused to be written, circulated, distributed, published, printed, and displayed printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States; and the District Court erred in failing so to hold.

9. The deportation of appellant without substantial evidence to support the charges in the warrant of arrest and the findings in the warrant of deportation constitutes a denial of liberty without due process of law in violation of the Fifth Amendment to the Constitution of the United States.

10. The construction and application of the Act of October 16, 1918, as amended by the Acts of June 5, 1920, and June 28, 1940, to authorize the deportation of appellant in the absence of substantial evidence to support the charges in the warrant of arrest and the findings in the warrant of deportation, constitutes a denial of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

11. The Immigration and Naturalization Service, by a warrant of arrest issued in 1938, and amended and reissued in 1939, charged Harry

Bridges with being found in the United States in violation of the Immigration laws thereof:

a. In that after he entered the United States he became and now is a member of an organization, association, society, and group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

b. In that after he entered the United States he became and now is affiliated with an organization, association, society, and group that believes in, advises, advocates, and teaches the overthrow by force and violence of the Government of the United States;

c. In that after he entered the United States he became and now is a member of an organization, association, society, and group that causes to be written, circulated, distributed, printed, published, and displayed printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States;

d. In that after he entered the United States he became and now is affiliated with an organization, association, society, and group that causes to be written, circulated, distributed, printed, published, and displayed printed matter advising, advocating, and teaching the overthrow by force and violence of the Government of the United States.

After extensive hearings upon said amended warrant, Trial Examiner James M. Landis recom-

mended on or about December 28, 1939, that said warrant of arrest be cancelled; and thereafter, on or about January 7, 1940, Secretary of Labor Frances Perkins accepted said recommendation and cancelled said warrant of arrest.

The issues determined in said first proceeding are res judicata, or upon an analogous principle are conclusive, as to all the issues involved in the second proceeding (of which issues the determinations are set forth in the warrant of deportation dated May 29, 1942); and the reconsideration of said issues was and is a denial of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

12. The second proceeding against appellant, in 1941 and 1942 as heretofore set forth, constituted double jeopardy, or upon an analogous principle subjected appellant to trial twice for the same conduct and activities, and thereby denied and denies appellant of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

13. All of the activities of the Government designed to secure the deportation of appellant, and the proceedings to which appellant was subjected in that connection, were and are discriminatory and unfair, and thus constitute a denial of equal protection of the laws and a denial of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

14. The Act of June 28, 1940, C. 439, Title II, §23, 54 Stat. 673 (i.e., the 1940 amendment to 8 U.S.C. §137) as applied to Harry Bridges, constituted an ex post facto law in violation of Article I, §8 of the Constitution of the United States, and a denial of liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States; and, upon a principle of law analogous to the doctrine of ex post facto, according to which laws shall not be given retroactive or retrospective effect, constituted error of law.

15. Appellant was denied his liberty without due process of law, in violation of the Fifth Amendment to the Constitution of the United States, for the following reasons, separately and collectively:

a. The Government failed, refused and neglected to make available to him or his counsel the prior statements of Government witnesses, although demand therefor was duly and properly made, and the possession of such statements by Government counsel was not denied.

b. Appellant's motion for an order directing an examination of witnesses with respect to the use of wire-tapping by the Government in connection with its preparation and handling of the second hearing in 1941, and the use made by the Government of intercepted telephone messages, was denied.

c. The Government failed, refused and neglected to produce the witness Maurice Cannalonga in response to appellant's subpoena, but later produced said Cannalonga as a Govern-

ment rebuttal witness after he had been subjected to improper inducements by Government agents for the purpose and with the effect of influencing his testimony.

d. The Government's knowing and wilful use of the false and perjured testimony of said witness Cannalunga tainted and vitiated the Government's entire case against appellant; notwithstanding, the Attorney General failed, refused and neglected to evaluate and judge the Government's case and evidence against appellant in the light of the Government's use of such false and perjured testimony, and also expressly relied in part upon the testimony of said witness Cannalunga in reaching his conclusions and order against appellant.

e. The Attorney General failed, refused and neglected to give prima facie or any weight or value to the cancellation of the first warrant of arrest against appellant and the proceedings based upon such warrant to which appellant was subjected. Said failure and refusal by the Attorney General was arbitrary, capricious, and error of law, and constituted a failure and refusal to consider and evaluate all the evidence material and relevant to a fair and full determination of the issues.

f. The Attorney General applied an erroneous rule as to the Government's burden of proof.

g. The Attorney General was influenced in reaching his conclusions and decision against

appellant by Lemuel B. Schofield, special assistant to the Attorney General in charge of the Immigration and Naturalization Service, who was in charge of the prosecution of the second proceeding against appellant, and who testified as a witness at said proceedings against appellant, admitting bias and prejudice against appellant, and declaring his intention to influence the Attorney General, not alone upon the evidence produced at the hearing against appellant, but upon views formed by said Schofield from his extra-judicial investigation of the case.

16. The Attorney General's assumption of jurisdiction, after appellant was cleared of the charges against him by unanimous decision of the Board of Immigration Appeals, was in violation of the rules of the Immigration Service, to the protection of which rules appellant was entitled; and the deprivation of such protection served to deny appellant due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

17. The Attorney General's determination of the case without according appellant an opportunity to be heard before him, as the deciding officer, constituted a denial of due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

18. The Act of October 16, 1918, as amended by the Act of June 5, 1920, as amended by the Act

of May 28, 1940 (8 U.S.C. §137) deprives appellant of his liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States.

19. The Act of October 16, 1918, as amended by the Act of June 5, 1920, as amended by the Act of May 28, 1940 (8 U.S.C. §137) deprives appellant of his liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States, in that said Act imposes an unreasonable and arbitrary condition upon appellant's continued residence in the United States.

20. The adoption of said Act of October 16, 1918, as amended by the Act of June 5, 1920, as amended by the Act of May 28, 1940 (8 U.S.C. §137) was intended to and did discriminate against appellant, and served to deprive him of the equal protection of the laws, and thus deprived him of his liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States.

21. The construction and application of said Act so as to single out appellant for deportation from among thousands of aliens who had been members of or affiliated with the Marine Workers Industrial Union or other unions affiliated with the Trade Union Unity League, was error of law, and was deliberately and intentionally arbitrary and discriminatory as to appellant, and was part of a scheme, plan and intent, and served to deny appellant equal protection of the laws, and thereby

deprived appellant of his liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States.

22. The construction and application of said Act to authorize deportation of appellant for past affiliation with the Marine Workers Industrial Union was error of law, and unreasonably and arbitrarily abridged appellant's rights of free speech, free press, free assembly, and free association without due process of law, in violation of the First and Fifth Amendment to the Constitution of the United States.

23. The construction and application of said Act to authorize deportation of appellant for past membership in or affiliation with any organization, was error of law, and is arbitrary and imposes an unreasonable, vague, and ambiguous limitation on appellant's past conduct, in violation of the First and Fifth Amendments to the Constitution of the United States.

24. The construction and application of the said Act to authorize the deportation of appellant upon the evidence adduced would require appellant to relinquish his rights of free speech, free press, free assembly, and free association as guaranteed by the First Amendment to the Constitution of the United States, and thus would impose a void, improper and unconstitutional condition upon appellant's right to remain in the United States, in violation of the First and Fifth Amendments to the Constitution of the United States.

25. The construction and application of the said Act to authorize the deportation of appellant for membership in or affiliation with any organization or organizations, without evidence or finding that such organization or organizations, or their beliefs or activities, presented a clear and imminent danger of any substantive evil which said Act was designed to prevent, or that his membership therein, or his beliefs or activities as such member, presented any such danger, deprived appellant of liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States.

26. The construction and application of the said Act to authorize the deportation of appellant for beliefs or activities, without evidence or finding that such beliefs or activities presented a clear and imminent danger of any substantive evil which said Act was designed to prevent, deprived appellant of liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States.

27. The construction and application of the said Act to authorize the deportation of appellant for mere membership in or affiliation with any organization, without evidence or finding that appellant had knowledge of the proscribed character of such organization, or of the proscribed character of its beliefs, activities, doctrines, or literature, or subscribed to the principles of said organization, was error of law, and constitutes a denial of liberty without due process of law, in violation of the

First and Fifth Amendments to the Constitution of the United States.

28. The construction and application of the said Act to authorize the deportation of appellant for membership in or affiliation with any organization distributing literature advocating the overthrow of the Government by force and violence, without evidence or finding that appellant participated in the distribution of such proscribed literature, was error of law, and constitutes a denial of liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States.

29. The construction and application of the said Act to authorize the deportation of appellant for affiliation with the Marine Workers Industrial Union, without evidence or finding that appellant had knowledge that the Marine Workers Industrial Union was a proscribed organization or was a part of the Communist Party or dominated or controlled by it, was error of law, and constitutes a denial of liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States.

30. The construction and application of the said Act to authorize the deportation of appellant for past affiliation with the Marine Workers Industrial Union, without evidence or finding that said organization engaged in anything but lawful and legitimate trade union activities, or that said affiliation consisted of anything but cooperation or support by appellant in such lawful and legitimate

trade union activities, was error of law, and constitutes a denial of liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States.

31. The Attorney General and the District Court committed the following errors of law, each of which taken singly, or all of which taken together, deprived appellant of his liberty without due process of law, in violation of the First and Fifth Amendments to the Constitution of the United States:

a. Gave and applied to the term "affiliation" a meaning in conflict with and contrary to law.

b. Interpreted the term "affiliation" in a manner so vague, uncertain and meaningless as to furnish no ascertainable standard of conduct whatsoever.

c. Relied upon, and partially based the decision against appellant upon, the testimony of certain Government witnesses solely on the basis of the volume of their testimony, despite the fact that the individual testimony of each of said witnesses was not accepted as establishing the facts to which each such witness testified.

32. The District Court held that the testimony given by and concerning Government witness James D. O'Neil relative to the question of appellant's membership in the Communist Party, was, as a matter of law, incompetent, and that it was erroneously admitted in evidence and erroneously given.

weight by the Attorney General in reaching his decision against appellant. Said testimony was so substantial, and so permeated the Attorney General's consideration of the case and the conclusions to which he came, that the District Court's affirmance of an order of deportation which originally issues in reliance upon such evidence, is error of law, and served to deprive appellant of due process of law, in violation of the Fifth Amendment to the Constitution of the United States..

33. The District Court committed error of law in denying to appellant his right to challenge the appropriateness and the reasonableness of the statutory criteria for deportation of aliens in ruling that Congress has not confined itself to the deportation of alien members or affiliates of those subversive organizations only whose activities present a clear, serious or imminent danger of accomplishing the evil which the legislation is designed to prevent, and thereby deprived appellant of opportunity to challenge the constitutionality of said Act, and of due process of law, in violation of the Fifth Amendment to the Constitution of the United States.

34. The District Court and the Attorney General committed error of law in refusing appellant an opportunity to establish that his deportation was arbitrary, discriminatory and unreasonable.

35. Each of the points hereinabove relied upon, taken separately, and all of said points taken together, constitute error of law, and serve to deprive appellant of due process of law, in violation of the

Fifth Amendment to the Constitution of the United States.

36. The District Court erred in not granting the writ of habeas corpus and discharging appellant from the custody and control of I. F. Wixon, as District Director, Immigration and Naturalization Service, Department of Justice.

37. The District Court erred in not holding that it had jurisdiction to issue the writ of habeas corpus as prayed for in the petition filed with that Court by appellant.

38. The District Court erred in not holding that the allegations set forth in the petition and amended petition of appellant for a writ of habeas corpus were sufficient in law to justify and require the granting and issuing of a writ of habeas corpus.

39. The District Court erred in holding that there was substantial evidence before the Immigration authorities to justify the conclusion that appellant was unlawfully in the United States.

40. The District Court erred in not holding that there was no substantial evidence before the Immigration authorities to justify the conclusion that appellant was unlawfully in the United States.

41. The District Court erred in holding that appellant was accorded a full and fair hearing by the Immigration authorities.

42. The District Court erred in not holding that appellant was not accorded a full and fair hearing by the Immigration authorities.

Appellant further states that he relies upon the entire record certified by the Clerk of the United States District Court for the Northern District of California, Northern Division, to this Court, and designates that said record, so certified, shall be printed as the record on appeal, and that the stipulation as to record on appeal made on May 5, 1943, and the order of the said District Court made May 6, 1943, both of which were filed in the said District Court and copies of which have been filed with the Clerk of this Court, shall be complied with.

LEE PRESSMAN,

CAROL KING.

GLADSTEIN, GROSSMAN,

SAWYER AND EDISES.

By: RICHARD GLADSTEIN,

AUBREY GROSSMAN.

Receipt of copy of the foregoing Statement of Points on Appeal, and Designation of Record, is hereby acknowledged this 18th day of June, 1943.

U. S. Attorney.

[Endorsed]: Filed June 18, 1943.